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CONVEYANCE OF LAND TO THE STATE OF IOWA

WEDNESDAY, MAY 15, 1968

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON DEPARTMENTAL OVERSIGHT
OF THE COMMITTEE ON AGRICULTURE,
Washington, D.C.

The subcommittee met, pursuant to notice, at 10:10 a.m., in room 1301, Longworth House Office Building, the Honorable Paul C. Jones presiding.

Present: Representatives Jones, Kleppe, and Price.

Also present: Martha Hannah, subcommittee clerk; Hyde H. Murray, assistant counsel; L. T. Easley, staff consultant; and Fowler C. West, assistant staff consultant.

Mr. JONES. The subcommittee will come to order.

We are here to consider H.R. 16065 by Mr. Scherle and Mr. Kyl, directing the Secretary of Agriculture to release on behalf of the United States conditions in deeds conveying certain lands to the State of Iowa, and for other purposes.

(H.R. 16065 follows:)

[H.R. 16065, 90th Cong., second sess.]

A BILL To direct the Secretary of Agriculture to release on behalf of the United States conditions in deeds conveying certain lands to the State of Iowa, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of subsection (c) of section 32 of the Bankhead-Jones Farm Tenant Act, as amended (7 U.S.C. 1011(c)), the Secretary of Agriculture is authorized and directed to release on behalf of the United States with respect to lands designated pursuant to section 2 hereof, the conditions in those two deeds dated July 29, 1955, conveying lands in the counties of Monroe and Decatur in the State of Iowa to the State of Iowa acting by and through its State board of regents for the use and benefit of the agricultural experiment station of the Iowa State College of Agriculture and Mechanic Arts, now Iowa State University which require that the lands so conveyed be used for public purposes and provide for a reversion of such lands to the United States if at any time they cease to be so used.

SEC. 2. The Secretary shall release the conditions referred to in the first section of this Act only with respect to lands covered by and described in an agreement or agreements entered into between the Secretary and the university in which the university, in consideration of the release of such conditions as to such lands, agrees—

(1) that all the proceeds from the sale, lease, exchange, or disposition of such lands shall be used by the university for the acquisition of lands to be held for university purposes, or for the development or improvement of any lands so acquired;

(2) that all the proceeds from the sale, lease, or other disposition of lands covered by any such agreement shall be maintained by the university in a separate fund and that the record of all transactions involving such funds shall be open to inspection by the Secretary of Agriculture.

(13)

SEC. 3. Upon application, all the undivided mineral interests of the United States in any parcel or tract of land released pursuant to this Act from the conditions as to such lands shall be conveyed to the State of Iowa for the use and benefit of Iowa State University or its successors in title by the Secretary of the Interior. In areas where the Secretary of the Interior determines that there is no active mineral development or leasing, and that the lands have no mineral value, the mineral interests covered by a single application shall be sold for a consideration of \$1. In other areas the mineral interests shall be sold at the fair market value thereof as determined by the Secretary of the Interior after taking into consideration such appraisals as he deems necessary or appropriate.

SEC. 4. Each application made under the provisions of section 3 of this Act shall be accompanied by a nonrefundable deposit to be applied to the administrative costs as fixed by the Secretary of the Interior. If the conveyance is made, the applicant shall pay to the Secretary of the Interior the full administrative costs, less the deposit. If a conveyance is not made pursuant to an application filed under this Act, the deposit shall constitute full satisfaction of such administrative costs notwithstanding that the administrative costs exceed the deposit.

SEC. 5. The term "administrative costs" as used in this Act includes, in addition to other items, all costs which the Secretary of the Interior determines are included in a determination of (1) the mineral character of the land in question, and (2) the fair market value of the mineral interest.

SEC. 6. Amounts paid to the Secretary of the Interior under the provisions of this Act shall be paid into the Treasury of the United States as miscellaneous receipts.

MR. JONES. The author of the bill, Mr. Scherle, is not here.

Do you prefer, Mr. Kyl, to make a statement now?

MR. KYL. Yes, sir.

MR. JONES. You may proceed.

STATEMENT OF HON. JOHN KYL, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF IOWA

MR. KYL. Thank you, Mr. Chairman, and gentlemen of the committee. Mr. Scherle is on his way here.

One of the things Mr. Scherle will ask the committee's permission to do, is to file a complete statement on behalf of the university setting forth the reasons why they are requesting the action which is contained in this bill. His testimony is somewhat parallel to mine but I shall try to make this completely germane so we do not waste any time.

Mr. Scherle and I have studied the request of the college of agriculture which is embodied in this bill. Both of us have beef cowherds in southern Iowa. We believe that the reasoning of the college is meaningful and logical.

The State of Iowa has approximately one-fourth of all the class I land of the United States. However, the land of southern Iowa lies outside that relatively flat area with the deep rich soil. Much of southern Iowa is grazing country. I relate this condition as prelude to stating the estimated dollar value of the land involved in this bill.

These estimates of land evaluation were determined by contact with bankers, real estate men, comparative actual land transactions, advertised real estate offerings, and by application of the huge store of information available to agricultural economists at the college.

The 410-acre tract near Lineville is estimated to have a current market value of approximately \$150 per acre for an aggregate worth of \$61,500. The 545-acre tract near Albia is evaluated at \$200 per acre for an aggregate of \$109,000.

These evaluations are higher than would be the case in many nearby tracts, because the improvements and the management by the college has enhanced the land value.

I would like to note again that this bill was drawn so as to be consistent with previous bills which have received favorable consideration by your committee and by the Congress.

We would be happy to respond to any questions you might have in considering this proposal.

Mr. JONES. Suppose that we hear Mr. Scherle's testimony, and then we can question both of you, if you will just remain?

We shall be glad to hear from you now, Mr. Scherle.

STATEMENT OF HON. WILLIAM J. SCHERLE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF IOWA

Mr. SCHERLE. Mr. Chairman and members of the committee, I apologize for being late. It seems like even the best-laid plans of mice and men sometimes go astray.

Mr. JONES. That is all right, Mr. Scherle. We are happy to have you here, and we will be pleased to hear from you in support of your bill H.R. 16065.

Mr. SCHERLE. Let me begin by expressing our appreciation to your subcommittee for giving us this opportunity to present testimony on behalf of H.R. 16065. We both are aware of the time required of the members of the House Agriculture Subcommittee, and of the importance of other business which demands your attention.

H.R. 16065 relates to about 955 acres of land acquired from the United States under title II of the Bankhead-Jones Farm Tenant Act. These lands are located in Decatur and Monroe Counties in southern Iowa. They consist of two separate parcels, 410 acres near Lineville and 545 acres near Albia.

Title III of the Bankhead-Jones Act authorized the Secretary of Agriculture to convey lands to public agencies under terms and conditions deemed to best accomplish title III purposes, on condition that the property conveyed be used for public purposes. In 1955, the Secretary conveyed the tracts to Iowa State University—then Iowa State College of Agriculture & Mechanical Arts—subject to the required public-use condition.

The lands, which are the subject of our consideration here today, are being used in connection with the experiment station-extension service research on beef cattle.

As is discussed in detail in the statement from Dr. H. L. Self which will be submitted as a part of this record, the characteristics of this land are such that they do not, as separate units, fill the need for research facilities in the southern portions of Iowa at the present time.

I need not tell you that farms are much larger than they were when these farms were set up 30 years ago.

According to Dr. H. L. Self, professor-in-charge of outlying experimental farms, in a letter dated August 9, 1967, "The present capacity of these two farms to carry beef cattle has become inadequate to result in an efficient operation in terms of our present research needs."

The two parcels involved are separated by approximately 75 miles, and cannot be operated as an efficient unit. Consequently, it is the desire of Iowa State University to be enabled to sell, lease, exchange,

or otherwise dispose of these properties, and it therefore seeks removal of the restrictive conditions in its deeds.

Section 1 of H.R. 16065 authorizes the Secretary of Agriculture to release from the "Public Use" requirement in the 1955 deeds to the specified properties.

Section 2 provides that the proceeds from a sale, lease, or other disposition of such lands be maintained by the university in a separate fund, and that the university would use the proceeds for the acquisition of lands or the development or improvement of any lands so acquired. I believe this is in accord with the purposes of the original conveyance to the university.

Section 3 deals with the question of mineral rights. The deeds in question, reserve to the United States, mineral rights, mining rights, and the rights to enter upon such land for the removing of such minerals. The provisions of H.R. 16065 were drafted by the general counsel for the Department of Agriculture following changes made last year by your committee during consideration of H.R. 11527, a bill introduced by Congressman Hathaway of Maine to deal with a situation nearly identical to the one which we consider today.

Section 3 further authorizes the release by the Secretary of the Interior of the Government's mineral rights. The bill authorizes the Secretary to release these rights for a nominal consideration, if he determines that the lands have no mineral value. Otherwise, the mineral interests are to be sold at their fair market value.

Section 4 authorizes the collection of "Administrative Costs" for application made under the provisions of section 3 and empowers the Secretary of the Interior to establish the amount of the nonrefundable deposit to accompany each such application.

Section 5 defines the term "Administrative Costs" as used in the act.

Section 6 provides for the deposit with the Treasury of sums received under this act as miscellaneous receipts.

At this point, I ask permission to insert in the record a statement prepared by Dr. H. L. Self, professor-in-charge of outlying farms. May I also note that the statement has the concurrence of Dean Floyd Andre, who has the administrative responsibility for land and other assets assigned to the college of agriculture.

May I also submit for appropriate disposition by the committee, copies of the two pertinent deeds.

Mr. JONES. Without objection, the statement of Professor Self will be incorporated in the record following your and Mr. Kyl's presentations.

Do you think it necessary that the deeds be put into the record? Are they long?

Mr. SCHERLE. No, Mr. Chairman. What I would like to do is simply submit them.

Mr. JONES. I see. Without objection, we will accept them for the files of the committee but not to be made a part of the record.

(The copies of deeds referred to will be found in the files of the subcommittee.)

Mr. JONES. Are there any questions of either Mr. Scherle or Mr. Kyl?

Mr. KLEPPE. You made the statement here that this bill is almost or nearly identical with the one that we passed last year that Congressman Hathaway introduced.

Mr. SCHERLE. Yes.

Mr. KLEPPE. What differences are there between that bill and this one, particularly?

Mr. SCHERLE. The difference is in section 2, dealing with disposition of proceeds. The Hathaway bill would originally have permitted use for improvement of lands of the university in addition to the acquisition of lands. Because the Senate was concerned with the breadth of this provision, that portion dealing with improvement was stricken.

Mr. KLEPPE. That is a substantial difference, is it not?

Mr. SCHERLE. Pardon?

Mr. KLEPPE. Is that not a rather substantial difference?

Mr. SCHERLE. The difference is that our provision was more restrictive at the outset. Our section 2 would permit acquisition of lands to replace existing property and the improvement of lands so acquired.

Mr. KLEPPE. Where were you reading from?

Mr. SCHERLE. Page 2 of our bill.

Mr. KLEPPE. What line?

Mr. SCHERLE. On H.R. 16065, subsection 1 of section 2. It is the 14th line, and states—

That all the proceeds from the sale, lease, exchange, or disposition of such lands shall be used by the university for the acquisition of lands to be held for university purposes, or for the development or improvement of any lands so acquired.

So, really, the change is not necessarily great for the simple reason that if the land is sold in excess of the amount of money required to replace it, this should not prevent them from making additional improvement on such lands as are acquired.

Mr. KLEPPE. This is a matter of where this land was deeded to the University of Iowa which was then called Iowa State College and Mechanical Arts at that time—it was deeded to them in 1955—the Secretary conveyed these lands to the university in 1955. They had been used, of course, for the purposes stipulated under the terms of that transaction at that time, and the basis for H.R. 16065 is to release the university from the public use provision under which that deed was transferred at that time, together with the utilization of the funds acquired from the sale. They may be used for the development of other university property. This is about what it is?

Mr. SCHERLE. That is correct. In the statement furnished by Dr. Self, the last paragraph, is self-explanatory.

Mr. KYLE. Could I respond to that?

Mr. KLEPPE. Yes.

Mr. KYLE. The university does not contemplate abandoning the purposes for which these lands were acquired. These two tracts are many miles apart. They do not constitute a unit of sufficient size and value to carry on the experimentation which they feel is necessary. Therefore, the funds to be derived from this transaction would be utilized from purchasing a single tract which would be utilized for the same purpose, plus the development of that tract in any way that they deem necessary.

And if I might respond just one bit further: In carrying out the appropriation for experimentation on these lands, the university has spent a lot of money in contributions from taxes to provide the kind of improvement on the land which they make tests for future recommendations to the farmers in the areas who are engaged in similar operations, and the improvements on the land which are suggested in the bill are only which are, for instance, in the establishment of farm ponds for stock watering and perhaps a study of new means for watering stock or feeding with experimental grasses which might have a higher carrying capacity, or any of these practices with which you all are very familiar.

Mr. KLEPPE. I accept your explanation, Mr. Kyl, and I agree with it. I think this is exactly what it says.

The point that I am trying to make is that the legislation is asking for relief from the stipulation of public use that was originally covered under the deed that conveyed this land from the Secretary to the university back in 1955; is that correct?

Mr. SCHERLE. If I might answer your question: The legislation we are contemplating here this morning—in the Iowa Legislature we call this a legalizing act; in other words, it is nothing more than to grant permission to an agency or department to solve a problem or legalize an action that affects no other agency or department.

Mr. KLEPPE. That is what this covers here?

Mr. SCHERLE. This is right.

Mr. KYL. May I respond one bit further?

Mr. KLEPPE. Yes.

Mr. KYL. I think what the bill actually calls for is the transfer of this public use from these two tracts to a tract which would be purchased.

Mr. KLEPPE. I will accept that. I think your legislation covers that.

Mr. KYL. That is right.

Mr. JONES. In other words, you mean that they do not contemplate selling either one of these two tracts?

Mr. SCHERLE. There is a possibility that one or the other, or both, might be sold to make an efficient unit for the continuation of a beef-cow herd. The land in southern Iowa is not geared for crop production as much as it is for the raising of beef cattle. The units are 75 miles apart. They are too small as separate units to be efficient or as they would be if they were allowed to become a large unit. There is a possibility that one or the other would be sold and joined to the one that is left, or both could be sold so they could purchase a larger unit which would be much more efficient to continue the production and research of beef cattle as we all know it.

Mr. JONES. These are small tracts of land, you say. They do not seem very small to me. Of course, in Mr. Price's area they would be small.

Mr. KLEPPE. In my area they would be, too.

Mr. JONES. In Iowa, if you have a 400-acre farm I think you would be pretty well off.

Mr. SCHERLE. If I may refer this question to Mr. Kyl because this is his district and he is very familiar with land use in that area.

Mr. JONES. What type of land is it?

Mr. KYL. When I first made my statement, I pointed out, Mr. Jones,

that this is not the deep rich relatively flat land which we usually think of in connection with Iowa's corn country.

My own county which is an adjoining county is 65 percent tree covered. It is more rolling. It is subject to siltation, to serious loss of soil. Conservation practices are essential. The soil is thin. It is particularly suited to grazing. As a matter of fact, my home county and the other next to it are among the four or five top sheep-producing counties in the United States annually—and have been for many years. It is a grazing country.

Now, you asked about the sizes of these pieces of land. Because of the carrying capacity of the land, we know that for a herd of 100 animal units, 100 cows, it cannot provide a decent living in this area—or in any other, as a matter of fact at this time. It is simply a matter of economics.

Mr. JONES. In other words, would it take more than 4 or 5 acres to carry one head?

Mr. KYL. Year-round, yes, sir, but the unit——

Mr. KLEPPE. You are talking about 100 cows which make for a greater number of cattle.

Mr. KYL. An animal unit, being a cow and a calf produced each year. If we use the figures from the Universities of Iowa, Illinois, Nebraska, we find that most economists now figure it costs them \$70 to \$80 a year to maintain a cow in a breeding herd. If we sell calves at 400 pounds, which is a pretty good average figure for an early sale, at 25 cents a pound, which is an average figure for the last many years, we have \$100 produced and \$80 expended. And you can see that if this is the operation, it would take 100 to 150 cows to provide a minimum income for the individual who has the investment in the land.

Mr. JONES. One other question: What would you think would be the use to which this land would be put by the new purchaser?

Mr. SCHERLE. Perhaps to maintain a smaller herd of cattle, or perhaps, a dairy.

Mr. Kyl and I both have beef cattle. He has a herd of Black Angus and I have a herd of shorthorn beef cows. So, we are very cognizant of what it takes for this type of an operation.

In his general area, it takes 4 or 5 acres to maintain a cow and a calf, and in my part of country we can get by with 1 acre. So, you can see the productivity of better land. This is primarily grazing land. All the university asks for is that they be allowed to sell one parcel or both parcels of land which are 75 miles apart, and combine this with additional land, to make for an efficient operation.

Mr. JONES. Thank you.

Mr. Price wants to ask a question.

Mr. PRICE. You know, this is my profession, too.

We all know about cow numbers, how many acres it takes per head to run an efficient unit. To me this is talking about another subject. We are not talking about running an efficient unit in your area; we are talking about a gift to a school. I can see that in order to run a more efficient operation that the land, of course, should be put together.

A question comes to my mind. I see it happening in agricultural schools. The population on the farms is going down and there is a

shift from some agricultural objective in our agricultural schools to some other unrelated objective, such as engineering and things of this nature, a shift away from research and experimentation in our agriculture areas.

If the school has another area in mind or another piece of land, an adjoining property, to one of the parcels, I would certainly be for it, but if they want to sell this property and put this money in, say, the bank until such time as they can shift it into some other area. I just cannot be for that.

Mr. SCHERLE. No; it is not the idea or the intent to do that, because, as I mentioned in my statement this morning, the sale of this land is covered in section 2 which provides that the proceeds from the sale, lease, or other disposition of such lands shall be maintained by the university in a separate fund, and that the university will use the proceeds for the acquisition of lands or for the development or improvement of any land so acquired.

Mr. PRICE. Do they have another plot adjoining one of these parcels in mind now?

Mr. SCHERLE. I do not believe they have at the present time. This will require legislation that will allow them to sell one or the other before they purchase. However, a great deal of research and technology has come out of Iowa State College in the past years because of which we have all been better farmers—by reason thereof, and they will be able to buy additional land, and they will improve it to the extent that we all will be, I believe, benefited by the research which will be carried out on the land.

Mr. PRICE. I am just exploring this subject.

Mr. SCHERLE. I realize that; we appreciate your interest.

Mr. KYL. Might I respond to that?

Mr. PRICE. Yes.

Mr. KYL. As indicated previously, they are not trying to abrogate any public responsibility, insofar as the use of the land for public purposes are concerned. They are simply seeking to transfer that responsibility to another area from which they can carry on the kind of experimentation which will be meaningful. If these two tracts were together in one unit now instead of being 75 miles apart, they would have such a unit. They do not have it at this time.

Mr. SCHERLE. If they did, we would not be here.

Mr. PRICE. You know, sometimes a bird in hand is worth two in the bush. I would hate to see this, in the hope that sometime in the future they would hope to buy land adjoining.

Mr. SCHERLE. No; let me give you this assurance, since Mr. Kyl and I are both in the beef production business. I can guarantee you that if this piece of legislation is adopted, that the college will adhere to the reasons for this bill.

Mr. PRICE. Do you think that with this number of acres they will be able to grow sufficient food?

Mr. SCHERLE. I am sure that they can do a much better job.

You see, right now, the way it is being handled, they have one part of the herd over here and a part of a herd over here (indicating), and this land is only used for grazing purposes. We know that the most efficient operation is under one roof. All we are asking is that these farms which are 75 miles apart be allowed to be put together.

Mr. PRICE. How much is this land appraised for?

Mr. KYL. \$150 on one and \$200 on the other. These figures are probably, as I indicated, higher than on much of the adjacent land, because of the improvements and the management by the university over a 30-year period of time.

Mr. SCHERLE. To give you another idea, comparing the land that we have reference to here, the land that I farm, sells for between \$500 and \$600 an acre.

Mr. PRICE. That is all. Thank you.

Mr. JONES. Mr. Kyl, you mentioned that this has been going on over a 30-year period of time. These deeds were made in 1955. Did they have control over this land before they acquired this?

Mr. KYL. The statement from the manager of the outlying farms for the university indicate that they have apparently had some management over this land or portions thereof for about 30 years, yes.

Mr. KLEPPE. That was under the Bankhead-Jones Act, where they might have had management over it before the deeds were given?

I have one further question of the gentlemen, Mr. Chairman.

Mr. JONES. Proceed.

Mr. KLEPPE. First of all, we passed H.R. 11527, which had to have a two-thirds vote, and we had a two-thirds vote. My question is: What specific objection do you have to using the same language under section 2, subparagraph 1, that you recited to me earlier to my question about the difference in the language between the Hathaway bill and this one? I am thinking of passing a bill that would not have that difference. What was the matter with the language that was passed before?

Mr. SCHERLE. If I may read the committee print or the report. Originally, it was conveyed to the university on the condition that it be used for public purposes. And the committee felt that that condition should attach to any land acquired from the proceeds from the sale of the original land. The committee regarded university purposes as being public purposes, in the case of the State university; however, the committee felt that the development or the improvement of the lands of the university was not, necessarily, public purposes since, conceivably, the university might own lands for investment purposes and devote it to housing or commercial use. This is the amendment that was agreed to in the Senate.

Mr. KLEPPE. On H.R. 11527?

Mr. SCHERLE. The committee recommended deletion of the phrase just quoted.

Mr. MURRAY. Mr. Chairman, the Senate language was just a little bit different than the language of the Scherle-Kyl bill. The Senate struck from the House bill the language which said, "or for the development or improvement of the lands of the university." The Senate and the Senate committee were concerned that the funds that were generated by the conveyance might be used to improve existing university lands and would not be used on the new land at all. So, they deleted the House language, and we concurred in that amendment. The University of Maine bill then was enacted into public law.

In the Iowa bill, however, any sales proceeds are restricted to the improvement of the land acquired. So, it would seem on the surface that the Senate would be willing to accept the language in the Iowa

bill, because it is limited only to the improvement of the new property that is, the funds would be limited to the improvement, on any new land so acquired, and they could not use it for buildings or other lands of the university.

Mr. KYL. This is why the language in this bill was changed to comply with the desires of the Congress in that other bill.

Mr. PRICE. I have another question, Mr. Chairman.

Mr. JONES. Very well.

Mr. PRICE. These university experimentations have for many, many years done research whether it be on cows or steers or heifers. Would this money be used for that purpose in this instance?

Mr. SCHERLE. This money will be restricted to the land improvement purposes for this use.

Mr. PRICE. May I ask one more question?

Is there any oil production around there—is there any oil production close around to these different parcels of land?

Mr. SCHERLE. Not to my knowledge.

Mr. PRICE. I am talking about other things, such as oil.

Mr. SCHERLE. I wish we had oil. We have had research on the feasibility of finding oil, but apparently none exists.

Mr. PRICE. You have no other production of any kind close around?

Mr. SCHERLE. I do not know of any.

Mr. KYL. Are you asking specifically about oil, sir?

Mr. PRICE. Oil, gas, or coal, anything of that nature.

Mr. KYL. Yes. I should provide a more full answer for that question. A month ago, we did not know of any commercial depositions of any minerals existing in this area. Since that time we have completed borings, specifically to find gypsum. There is a highly developed sulphate horizon in this area. There are commercial-size and commercial-quality deposits of gypsum, calcium sulphate dehydrate in this general area. The topography, the stratigraphy, of the area would indicate that there is possibly, a value present in most of that area of Monroe Country for gypsum prospectively.

Mr. PRICE. To your knowledge, is there any recent activity in any mineral exploration?

Mr. KYL. This area, originally and especially the eastern half of Monroe County, was a soft coal mining area. That activity has almost ceased as it has everywhere else, because it is not commercially profitable.

So far as I know there are no leases—there is contemplation, however, for the development of the bed of gypsum in Monroe County. It will be developed. The size of the deposits and the quality of the deposits indicate that that would be a profitable operation.

The mineral rights of the Federal Government are protected under this legislation in the final sections of the bill. The minerals are reserved to the Federal Government.

Mr. PRICE. This bill covers that?

Mr. SCHERLE. Section 3 of the bill deals with the question of mineral rights. The deeds in question reserve to the United States the mineral rights and the right to enter upon such lands for the removal of such minerals.

Mr. KLEPPE. If I may interject?

Mr. PRICE. Yes.

Mr. KLEPPE. The Secretary of the Interior has the right to sell those mineral rights at the fair market value. He may not be as good a salesman as some, but the legislation provides that those values will come from that.

Mr. SCHERLE. Section 3 further authorizes a release by the Secretary of the Interior of the Government's mineral rights. The bill authorizes the Secretary to release these rights for a nominal consideration if he determines that the lands have no mineral value. Otherwise, the mineral interests have to be sold at the fair market value. So, we have provided the protection as far as mineral rights are concerned.

Mr. PRICE. Does the bill which authorizes him to transfer this land, does it authorize him also to sell the minerals?

Mr. SCHERLE. He may release the mineral rights, either for actual or nominal consideration, depending on the value of the minerals themselves, if any.

Mr. KLEPPE. If I may—the Secretary of the Interior does that.

Mr. SCHERLE. He has the jurisdiction.

Mr. PRICE. Why do you not try to get the minerals, too?

Mr. SCHERLE. This is Mr. Kyl's territory, perhaps he can explain.

Mr. KLEPPE. It is the same. If they have no value, the Secretary of the Interior has the right to sell them. If they do have a nominal value he can sell it at the fair market value. It is the same provision.

Mr. KYL. May I respond to this?

The Department's witnesses are much more fully qualified to respond to this than I. However, under normal procedure, the Bureau of Land Management, which acquires the jurisdiction from the Agricultural Department on land under this category, first makes a determination of whether or not there are any mineral values in the vicinity, and if there is no mineral value apparent the transfer is a rather easy thing; however, if there are mineral values possible, prospective in the area, then the Secretary, the Bureau of Land Management, actually makes whatever study and determinations are necessary, and if these studies indicate that there is no value, normally the cost of those studies for investigation is borne by the person to whom the title is transferred. So that under normal procedure, the taxpayer is protected, both from the standpoint of the investigation or the exploration; and should there be mineral deposits the taxpayer is protected by the procedures of the Bureau who sees to it that the Government gets its royalty or its money from the sale of those rights.

Mr. JONES. Are there any further questions?

If not, we thank you two gentlemen.

(The prepared statement of H. L. Self, professor in charge of outlying farms, Iowa State University, follows:)

STATEMENT OF DR. H. L. SELF, PROFESSOR, IOWA STATE UNIVERSITY

Iowa State University, as the Land Grant College in Iowa, has the responsibility of providing the educational and research programs in Agriculture for the people of the state. These are administered by the College of Agriculture with the Dean of the College of Agriculture having the administrative responsibility for all phases of undergraduate instruction and for the research activities. For administrative purposes research programs are the responsibility of the Iowa Agriculture and Home Economics Experiment Station of the College of Agriculture.

The production of all agricultural products including both livestock and crops are affected economically and physiologically by the environment in which they are produced. Although the original approach to agricultural research was to do all experimental work at the central research facility, it became evident that type of soil, climate, weather, and length of day were overriding factors in many cases that must be dealt with. Consequently, research sites were located in the major soils group areas in the state away from the main station at Ames. The first of these sites was established in March 1931 in Page County in Southwest Iowa, on the Marshall soils. Two more sites were established in that same year, one in north central Iowa near Kanawha and one in the sandy alluvial soils near the Mississippi River in Eastern Iowa.

Starting in 1935 Federal programs were initiated in Iowa to provide jobs for the unemployed and at the same time to demonstrate the benefits of applying the latest scientific information available to low fertility, badly eroded farms in Southern Iowa. Five sites were selected and land was purchased by the Federal Government for establishing "pasture improvement demonstration sites, showing methods of renovating and rehabilitating old pastures and other unproductive lands". Iowa State University cooperated in the development phase and later in the demonstrational phase of this project. At this time these sites were established in 1935 it was anticipated that the land acquired at each site was an acreage appropriate to result in an economic unit. This judgment appears to have been sound at the time. With new technology becoming available as a result of the various research programs these sites continued to be fairly efficient economically speaking up to the late 1950's. As new methods became available, as suitable labor became more difficult to acquire and as margins between costs of production and returns from the sale of agricultural products narrowed, it became necessary to increase the volume of production to compensate for the narrow profit margins being realized by farmers. This was accomplished by increasing the size of the farming unit and by increased production on a per acre basis by using the latest information available. Research activities by a public institution such as Iowa State University are responsive to the needs of the people served by the institution.

The research needs of 10 years ago are not necessarily the same as needed today. In Southern Iowa the soils erode a great deal if subjected to a continuous row cropping program. Consequently, other means of using the land wisely and profitably must be found. A continuous growing crop such as blue grass pasture will control the erosion, but the economic returns are inadequate even when a recommended fertilizer program is used. Therefore, new varieties of plants must be found and/or developed to provide the desired results. Once this step is accomplished a way must be found to efficiently and wisely use the higher production to be expected. Beef cattle use forages of this nature in large quantities and appear to offer the best possibility of providing an adequate economic return while providing for the proper use and integrity of the land.

The income from beef cattle is such that a herd of more than 100 cows is required to provide the income necessary to maintain the premises and provide an adequate income to support a family.

Based on previous experience at the 410 acre Lineville Farm, the maximum carrying capacity is about 75 beef cows and their calves. Not only does this result in a deficient return to operate as an economic unit, but the research data obtained from this relatively small number of observations make the accumulation of knowledge slow and expensive. If 100 cows is the smallest size unit to be considered under actual conditions, then two herds of 100 cows would probably be recommended for use in research so that one herd of 100 cows would serve as an experimental control and another herd of 100 cows would be used to determine the effect of the treatment being imposed by the research.

The above observations and examples clearly point out that a point has now been reached where the Lineville Farm is no longer adequate to serve the needs of the people in the area. Although the Albia Farm is larger (545) acres and will carry up to 150 cows, it too is inadequate in its present size to serve as an efficient experimental unit.

It was, therefore, our hope that provisions could be made to permit the sale of either or both of these two tracts of land and that the funds from such sale be used to obtain sufficient acreage in a single location or site that would provide for the pursuit of research with beef cow herds in the rough and highly erodible soils of Southern Iowa. In this endeavor Congressman William J. Scherle was contacted and his assistance requested. H.R. 16065 as a result of this

contact was introduced by Congressman Scherle and Congressman John Kyl to provide a means for accomplishing this objective. Its favorable consideration is encouraged.

The 410 acre tract near Lineville is estimated to have a current market value of approximately \$150 per acre for an aggregate worth of \$61,500. The tract near Albia of 545 acres is currently evaluated at \$200 per acre for an aggregate value of \$109,000. Much of the present value of these tracts is due to the contributions in resources by Iowa State University during the past 30 years. Therefore, much of the aggregate value represents an accumulation of the contributions in money, personnel, and technology by Iowa State University.

Mr. JONES. We will now hear from the Department, from Mr. M. M. Nelson, Deputy Chief, Forest Service. Mr. Nelson is accompanied by Mr. Reynolds Florance, Director, Legislative Liaison and Reporting, and Mr. F. W. Grover, Director, Division of Land Classification, U.S. Department of Agriculture.

We will be glad to hear from you now, Mr. Nelson.

**STATEMENT OF M. M. NELSON, DEPUTY CHIEF, FOREST SERVICE,
ACCOMPANIED BY REYNOLDS FLORANCE, DIRECTOR, DIVISION
OF LEGISLATIVE LIAISON AND REPORTING; AND F. W. GROVER,
DIRECTOR, DIVISION OF LAND CLASSIFICATION, FOREST SERV-
ICE, U.S. DEPARTMENT OF AGRICULTURE**

Mr. NELSON. Mr. Chairman and members of the subcommittee, I appreciate the opportunity to appear before this subcommittee today and present the Department of Agriculture's position on H.R. 16065.

H.R. 16065 would authorize and direct the Secretary of Agriculture to release, on behalf of the United States, certain conditions in two 1955 deeds conveying certain lands to the State of Iowa for the use and benefit of Iowa State College of Agriculture & Mechanical Arts, now Iowa State University. The release of the conditions would permit the State, subject to other conditions, to sell, lease, exchange, or otherwise dispose of such lands.

H.R. 16065 concerns 955.81 acres of land acquired by the United States in the 1930's and administered under title III of the Bankhead-Jones Farm Tenant Act. Title III of that act authorized the Secretary of Agriculture to convey lands to public agencies under the terms and conditions he deemed would best accomplish title III purposes and on the condition that the property conveyed would continue to be used for public purposes. If not so used, such conveyed lands would revert to the United States.

The lands with which this bill is concerned are in two tracts of 410 acres and 545.81 acres, respectively. They have been used by the university for beef cattle research and other experimental purposes. We understand that due to changes in farm size and operation and in the university's research and other related programs, the individual tracts do not provide a unit large enough to efficiently meet the university's needs. The university would like to sell or exchange one or both of the tracts and use the proceeds to establish a larger unit.

H.R. 16065 is similar to H.R. 11527 just recently enacted by the Congress and Public Law 84-237. Those acts covered lands conveyed to the University of Maine and to Clemson University in South Carolina under the same provisions and subject to the same conditions as

those conveyed to the State of Iowa. Those universities faced generally the same problems as Iowa State in trying to adjust the management and use of the lands conveyed to them under the conditions imposed in the original conveyances so as best to meet the changing needs of the universities.

Approximately 836,000 acres have been conveyed to various States and State agencies in 54 transactions under title III of the Bankhead-Jones Farm Tenant Act. All are subject to the same public use conditions as the lands in the three cases already brought before the Congress. We currently have requests in three other cases—Ohio, New York, and South Carolina—for release of the same conditions and for the same general reasons. Here I might interject that in our report we mention two additional cases. Actually, we have before us at the present time three new cases. We expect other requests in the years to come as resource management programs and practices and land uses for public purposes change to meet contemporary needs and demands. Under existing law, each such case would require special legislation authorizing the Secretary to release the conditions of the deed conveying the lands to the respective owning authority or agency.

For the foregoing reasons, we believe consideration should be given to a bill giving the Secretary of Agriculture general authority to release the conditions referred to when he determines disposal of a part or all of the conveyed lands by an owning authority or agency would be for purposes consistent with the public use requirement in the original conveyance. We believe that the sale or exchange of such lands, with the proceeds to be used for corresponding purposes of the owning authority or agency, as in the cases already considered and the one here under H.R. 16065, would be consistent with the basic purposes and the public use requirements of the original conveyances.

The original conveyances of those title III lands also reserved to the United States certain mineral interests. H.R. 16065 would give the Secretary of the Interior authority to convey, upon application, and for the fair market value thereof, the reserved mineral rights to the State of Iowa.

The Department of Agriculture supports enactment of H.R. 16065.

Mr. JONES. Thank you, Mr. Nelson.

Are there any questions?

Mr. KLEPPE. In one part of the statement, you do not deal with the specific bill we have before us today. It deals with general authority given to the Secretary of Agriculture who consummates similar transactions to the one that we have before us today. I just want to make a statement that so far as my own personal feelings are concerned, regarding that procedure, I take a dim view of that, and I think that is the purpose of this committee. I do not think that we are so over-worked that we cannot afford to spend the time to come down here and have others present their individual views on any individual situation that may be involved, no matter how many there are. This is just another situation of keeping control in Congress rather than delegating it. It is easy enough for us to delegate this to the Secretary. My view is that I do not think it is necessary to do so.

I want to say, again, although it is not apropos to this specific bill that we have before us today, that that is my feeling. I just wanted to make these comments.

Mr. NELSON. The reason, of course, that we brought that up is that we already have three other States that will undoubtedly come before the committee.

Mr. KLEPPE. I think they should come here. That is the reason I wanted to make that observation.

Mr. JONES. Are there any other questions, Mr. Price?

Mr. PRICE. No questions.

Mr. JONES. We also have a report from the Department of Agriculture, and without objection this report will be made a part of the record at this point.

(The report dated May 15, 1968, from the Department of Agriculture follows:)

DEPARTMENT OF AGRICULTURE,
Washington, D.C., May 15, 1968.

Hon. W. R. POAGE,
Chairman, Committee on Agriculture,
House of Representatives.

DEAR MR. CHAIRMAN: As you asked, here is our report on H.R. 16065, "To direct the Secretary of Agriculture to release on behalf of the United States conditions in deeds conveying certain lands to the State of Iowa, and for other purposes."

We recommend enactment of H.R. 16065.

H.R. 16065 would authorize and direct the Secretary of Agriculture to release on behalf of the United States certain conditions contained in two 1955 deeds conveying certain described lands to the State of Iowa for the use and benefit of the Agriculture Experiment Station of the Iowa State College of Agriculture and Mechanic Arts, now the Iowa State University. The conditions required that the lands conveyed to the State be used for public purposes and provide for a reversion to the United States if the lands cease to be so used.

This bill provides that the Secretary shall release the conditions only with respect to lands covered by an agreement between the Secretary and the University which would set forth certain conditions.

H.R. 16065 would also authorize the Secretary of the Interior, under certain conditions, to convey to the State of Iowa for the use and benefit of Iowa State University or successors in title all the undivided mineral interests which were reserved to the United States in lands conveyed to the State.

The lands involved in H.R. 16065 were originally acquired by the United States under the provisions of Title III of the Bankhead-Jones Farm Tenant Act (50 Stat. 525). This Title authorizes the Secretary of Agriculture to conduct a program for the rehabilitation of submarginal lands. Title III also authorizes the Secretary to dispose of lands to public authorities and agencies under terms and conditions he deems will best accomplish Title III purposes, but only on condition that the property conveyed is used for public purposes.

The 955.81 acres of land in question were conveyed to the State of Iowa on July 29, 1955, subject to the condition that they be used for public purposes. If not so used, ownership would revert to the United States.

We understand that the State of Iowa is seeking a release of the "public use" condition so that it may sell one or both of the two tracts conveyed to it. These two tracts, consisting of 410 and 545.81 acres respectively, have been used for beef cattle research and other experimental purposes. Due to changes in direction and emphasis in the work on these areas and size of farms and related facilities, the individual areas are no longer adequate to meet the University's needs. Therefore, the University wishes to sell or exchange one or both of the tracts and use the proceeds to establish a single larger, more efficient unit to meet the University's needs. The use of the proceeds to acquire lands to be held permanently for University purposes would not be inconsistent with the basic purposes of the public use requirement in the original conveyance to the University.

H.R. 16065 is similar to H.R. 11527 recently enacted by the Congress and to P.L. 84-237 involving lands conveyed to the University of Maine and to Clemson Agricultural College, now Clemson University, of South Carolina.

Some 836,000 acres of such lands have been conveyed by the United States to various States and State agencies and organizations in a number of separate transactions. All of these conveyances are subject to the same reversionary

clause if the lands are not used for public purposes. The conveyances also included the same mineral rights reservations.

During the intervening years, changes in land use patterns and resource management programs, administrative requirements, and other factors have resulted in the need for others of the respective owning public authorities or agencies to sell, exchange, or otherwise dispose of a part of the Title III lands conveyed to them so as to further the purposes and activities of those public bodies. Two other such cases are before us now. Others may come up in the future.

The Bureau of the Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely yours,

ORVILLE L. FREEMAN, *Secretary.*

Mr. JONES. Unless there are other questions or unless there are other witnesses who would like to testify, we will close the hearings.

Mr. Murray, are there any questions that you want to ask or any information that you feel should be put into the record at this point?

Mr. MURRAY. No, sir; I have no questions.

Mr. JONES. Thank you.

The subcommittee will go into executive session.

(Whereupon, at 11 a.m., the subcommittee retired into executive session.)

LEGISLATIVE HISTORY
Public Law 90-410
H. R. 16065

TABLE OF CONTENTS

| | |
|---------------------------------------|---|
| Index and summary of H. R. 16065..... | 1 |
| Digest of Public Law 90-410..... | 2 |

INDEX AND SUMMARY OF H. R. 16065

| | |
|---------------|---|
| Mar. 19, 1968 | Rep. Scherle introduced H. R. 16065 which was referred to House Agriculture Committee. Print of bill as introduced. |
| May 15, 1968 | House subcommittee approved H. R. 16065 for full committee consideration. |
| May 21, 1968 | House committee voted to report H. R. 16065. |
| May 27, 1968 | House committee reported H. R. 16065 without amendment. House Report 1479. Print of bill and report. |
| June 3, 1968 | House passed H. R. 16065 without amendment. |
| June 4, 1968 | H. R. 16065 was referred to Senate Agriculture and Forestry Committee. Print of bill as referred. |
| June 21, 1968 | Senate committee reported H. R. 16065 without amendment. Senate Report 1272. Print of bill and report. |
| July 10, 1968 | Senate passed H. R. 16065 without amendment. |
| July 21, 1968 | Approved: Public Law 90-410. |

DIGEST OF PUBLIC LAW 90-410

LAND CONVEYANCE TO IOWA STATE UNIVERSITY. Directs the Secretary of Agriculture to release the condition in the deeds of 1955 which require that the land conveyed to the State of Iowa for the use and benefit of Iowa State College of Agriculture and Mechanical Arts, now Iowa State University be used for public purposes. Permits the Iowa State University to sell, lease, or otherwise dispose of the land under certain conditions which will be specified in an agreement between the Secretary of Agriculture and the University. Directs the Secretary of the Interior to convey, upon application, all the undivided mineral interests of the United States in any land released to the University.

90TH CONGRESS
2^D SESSION

H. R. 16065

IN THE HOUSE OF REPRESENTATIVES

MARCH 19, 1968

Mr. SCHIERLE (for himself and Mr. KYL) introduced the following bill; which
was referred to the Committee on Agriculture

A BILL

To direct the Secretary of Agriculture to release on behalf of
the United States conditions in deeds conveying certain
lands to the State of Iowa, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That, notwithstanding the provisions of subsection (c) of
4 section 32 of the Bankhead-Jones Farm Tenant Act, as
5 amended (7 U.S.C. 1011 (c)), the Secretary of Agricul-
6 ture is authorized and directed to release on behalf of the
7 United States with respect to lands designated pursuant to
8 section 2 hereof, the conditions in those two deeds dated
9 July 29, 1955, conveying lands in the counties of Monroe
10 and Decatur in the State of Iowa to the State of Iowa

1 acting by and through its State board of regents for the
2 use and benefit of the agricultural experiment station of
3 the Iowa State College of Agriculture and Mechanic Arts,
4 now Iowa State University, which require that the lands so
5 conveyed be used for public purposes and provide for a rever-
6 sion of such lands to the United States if at any time they
7 cease to be so used.

8 SEC. 2. The Secretary shall release the conditions re-
9 ferred to in the first section of this Act only with respect
10 to lands covered by and described in an agreement or agree-
11 ments entered into between the Secretary and the university
12 in which the university, in consideration of the release of
13 such conditions as to such lands, agrees—

14 (1) that all the proceeds from the sale, lease, ex-
15 change, or disposition of such lands shall be used by
16 the university for the acquisition of lands to be held for
17 university purposes, or for the development or improve-
18 ment of any lands so acquired;

19 (2) that all the proceeds from the sale, lease, or
20 other disposition of lands covered by any such agree-
21 ment shall be maintained by the university in a separate
22 fund and that the record of all transactions involving
23 such funds shall be open to inspection by the Secretary
24 of Agriculture.

25 SEC. 3. Upon application, all the undivided mineral

1 interests of the United States in any parcel or tract of land
2 released pursuant to this Act from the conditions as to such
3 lands shall be conveyed to the State of Iowa for the use and
4 benefit of Iowa State University or its successors in title
5 by the Secretary of the Interior. In areas where the Secre-
6 tary of the Interior determines that there is no active mineral
7 development or leasing, and that the lands have no mineral
8 value, the mineral interests covered by a single application
9 shall be sold for a consideration of \$1. In other areas the
10 mineral interests shall be sold at the fair market value thereof
11 as determined by the Secretary of the Interior after taking
12 into consideration such appraisals as he deems necessary or
13 appropriate.

14 SEC. 4. Each application made under the provisions of
15 section 3 of this Act shall be accompanied by a nonrefundable
16 deposit to be applied to the administrative costs as fixed by
17 the Secretary of the Interior. If the conveyance is made, the
18 applicant shall pay to the Secretary of the Interior the full
19 administrative costs, less the deposit. If a conveyance is not
20 made pursuant to an application filed under this Act, the
21 deposit shall constitute full satisfaction of such administrative
22 costs notwithstanding that the administrative costs exceed the
23 deposit.

24 SEC. 5. The term "administrative costs" as used in this
25 Act includes, in addition to other items, all costs which the

1 Secretary of the Interior determines are included in a deter-
 2 mination of (1) the mineral character of the land in question,
 3 and (2) the fair market value of the mineral interest.

4 SEC. 6. Amounts paid to the Secretary of the Interior
 5 under the provisions of this Act shall be paid into the Treas-
 6 ury of the United States as miscellaneous receipts.

90TH CONGRESS
 2D SESSION

H. R. 16065

A BILL

To direct the Secretary of Agriculture to release
 on behalf of the United States conditions in
 deeds conveying certain lands to the State
 of Iowa, and for other purposes.

By Mr. SCHERLE and Mr. KYL

MARCH 19, 1968

Referred to the Committee on Agriculture

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE
WASHINGTON, D. C. 20250
OFFICIAL BUSINESS

POSTAGE AND FEES PAID
U. S. DEPARTMENT OF AGRICULTURE

ICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
NOT TO BE QUOTED OR CITED)

Issued May 16, 1968
For actions of May 15, 1968
90th-2nd; No. 83

CONTENTS

| | | |
|----------------------------|---------------------------|---------------------------|
| Appropriations.....2,16,46 | Farm program.....18,22,29 | Orange juice.....17 |
| Arts and humanities.....21 | FHA loans.....20,29 | Personnel.....12,40 |
| Awards.....22 | Food additives.....36 | Poverty.....19 |
| Buildings.....19 | Food for peace.....27 | Prices.....30 |
| CCC.....4 | Food stamps.....17 | Public Law 480.....5,27 |
| Claims.....16 | Foreign aid.....47 | Reclamation.....1 |
| Commodity exchanges.....17 | Foreign trade.....33,42 | Reserve funds.....26 |
| County committees.....13 | Forestry.....17 | Rural development...25,37 |
| Credit.....3,8 | Health.....41 | Strawberries.....42 |
| Credit unions.....14 | Housing.....35 | Supplemental |
| Dairy.....27 | HEW.....11 | appropriations.....16 |
| Defense production.....7 | Horses.....24 | Tariffs.....42 |
| Education.....34 | Housing.....15 | Taxation.....10,20,31,44 |
| gs.....39 | Highways.....16 | Tobacco.....6,44 |
| Electrification.....9,23 | Hunger.....28 | Veterans.....34 |
| Employment.....37 | Interest rates.....3 | Watersheds.....17 |
| Expenditures.....10 | Kerr Memorial.....17 | Wilderness.....45 |
| Farm labor.....41 | Lands.....6 | Wildlife.....32,38,45 |
| Farm machinery.....29 | Loans.....17 | Youth camp.....43 |

HIGHLIGHTS: Senate committee voted to report bills on food stamp, Cradle of Forestry, emergency credit, Kerr Memorial, and watershed construction. Senate committee reported housing bill. House subcommittee approved bill to lease tobacco allotments without clearance.

HOUSE

1. RECLAMATION. Completed general debate on H. R. 3300, the Colorado River Basin project bill. pp. H3771-846
2. APPROPRIATIONS. The Appropriations Committee was granted until midnight May 16 to report the Interior Dept. and related agencies appropriation bill. p. H3771

3. INTEREST RATES. Reps. Sullivan and Brock were appointed as House members of the Commission To Study Mortgage Interest Rates and the Availability of Mortgage Credit at a Reasonable Cost to the Consumer. p. H3774
4. CCC. Both Houses received from the President the Annual Report of the Commodity Credit Corporation. The President stated that the report "shows that the Corporation has continued to reduce agricultural surpluses" and "demonstrates that the broad authority of the Commodity Credit Corporation is being used to benefit both the U. S. farmer and those in great need abroad." To H. Banking and Currency and S. Agriculture and Forestry Committees. pp. H3775, S5618
5. PUBLIC LAW 480. Agreed to perfect the title of S. 2986, to extend and amend this law (p. H3772). During debate (see Digest 82) the Findley amendment was agreed to, 370-21, and the Steiger amendment was withdrawn.
6. LANDS; TOBACCO. A subcommittee of the Agriculture Committee approved for full committee action H. R. 16065, to release conditions in deeds conveying certain lands to Iowa, and H. R. 17602, to permit transfer of tobacco allotments by lease without clearance from lienholder. p. D438
The Interior and Insular Affairs Committee voted to report (but did not actually report) S. 1059, to authorize a longer term of grazing leases on Alaska lands to attract long-term financing up to 55 years in place of 20 years. p. D438
7. DEFENSE PRODUCTION. The Banking and Currency Committee voted to report (but did not actually report) H. R. 17268, amended, to continue the Defense Production Act. p. D438
8. CREDIT. The "Daily Digest" states that the conferees on S. 5, the truth in lending bill, agreed to file a report. p. D439
9. ELECTRIFICATION. Rep. Whitten congratulated the REA on its 33rd anniversary and praised the role that the rural electric cooperatives have taken in "an effort to lift the standard of living for millions of rural people." p. H3847
10. TAXATION; EXPENDITURES. Rep. Denney stated "if revenue bonds for industrial development purposes are to be preserved as an effective economic development tool providing substantial employment, a dollar limit should not be set below \$10 million." He stated that conferees on the tax bill have "decided that the income on these bonds should be taxable in the case of any issue over \$1 million." pp. H3847-8
Rep. Wyman urged the Appropriations Committee of both Houses to "immediately convene and recommend to the conferees on the tax bill \$6 billion in specific cuts." pp. H3849-50
Rep. Albert announced that "the tax bill conference report will not be called up before the Memorial Day holiday." p. H3846

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE
WASHINGTON, D. C. 20250
OFFICIAL BUSINESS

POSTAGE AND FEES PAID
U. S. DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
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Issued May 22, 1968
For actions of May 21, 1968
90th-2nd; No. 87

CONTENTS

| | | |
|----------------------------|----------------------------|---------------------------|
| Aging.....39 | Food stamps.....13 | Pesticides.....14 |
| Air pollution.....9,32 | Foot-and-mouth disease...3 | Poverty.....17,22 |
| Appropriations.....1,10,25 | Foreign affairs.....27 | Reclamation.....29,38 |
| Budget.....24 | Foreign aid.....31 | Recreation.....23 |
| Census.....6,34 | Foreign trade.....4,16,37 | Reorganization.....28 |
| Conservation.....23 | Forest Service.....1 | Research.....8,12 |
| Cooperatives.....20 | Forestry.....19 | Rice.....22 |
| Credit banks.....30 | Hunger.....22 | Rural America.....21 |
| Credit unions.....2 | Information.....14 | Silk.....4 |
| Electrification.....38 | Lands.....3 | Taxation.....7,15 |
| Expenditures....7,15,24,25 | Legislative program....11 | Technical services.....14 |
| Farm program.....18 | Marine resources.....33 | Tobacco.....3 |
| Feed grains.....18 | National defense.....26 | Trade.....14 |
| Fish and wildlife.....14 | Pay increases.....10 | Water research.....8 |
| Flood control.....35 | Personnel.....5,36 | |

HIGHLIGHTS: House passed Interior appropriation bill (includes Forest Service).
House Committee voted to report foot and mouth disease bill and bill to lease tobacco
allotments without clearance.

HOUSE

with amendment

1. APPROPRIATIONS. Passed, 364-14, H. R. 17354, the Interior and related agencies appropriation bill (pp. H4024-47). See Digest 84 for Forest Service provisions. Agreed to an amendment by Rep. Broyhill, Va., that no part of the funds appropriated herein will be used to pay the salaries of people inciting or participating in riots (p. H4044). Rejected an amendment by Rep. Willis to appropriate \$100 million for the land and water conservation fund (p. H4043).

Rejected, 174-207, a motion by Rep. Rumsfeld to recommit the bill in order to limit total expenditures to \$1,383,432,068 (pp. H4046-7).

2. CREDIT UNIONS. The Rules Committee reported a resolution for the consideration of H. R. 14907, to amend the Federal Credit Union Act. p. H4110
3. FOOT-AND-MOUTH DISEASE;LANDS; TOBACCO. The Agriculture Committee voted to report (but did not actually report) H. R. 16451, ~~to cooperate with Central America in the eradication of foot-and-mouth disease~~; H. R. 16065, to release conditions in deeds conveying certain lands to Iowa; and H. R. 17002, to permit transfer of tobacco allotments by lease without clearance from lienholder. pp. D461-2
4. FOREIGN TRADE. The Ways and Means Committee voted to report (but did not actually report) H. R. 15798, to extend suspension of duty on certain classifications of yarn of silk. p. D462
Received from Commerce the annual report of the Foreign-Trade Zones Board for fiscal year 1967. p. H4110
5. PERSONNEL. Received from the Civil Service Commission a proposed bill to amend title 5, United States Code, to establish a visiting scientist and scholar program in the Government; to Post Office and Civil Service Committee. p. H4110
6. CENSUS. Rep. Betts discussed his reasons for introducing a bill on and urging census reform. pp. H4052-75
7. TAXATION. Rep. Hungate inserted a resolution of the Western Governors' Conference "urging the House of Representative to further Federal-State relations in taxation by defeating H. R. 2158, the Interstate Taxation Act," and "passage by the Congress of the consent bill, H. R. 9476, for the multistate tax compact." p. H4019
Rep. Willis inserted a study of the effects of H. R. 2158, the proposed Interstate Taxation Act, on State revenues. pp. H4102-3
Rep. Schadeberg stated "Congress has been whiplashed by the President and the people regarding the proposed tax increase now in conference" and inserted an article, "Don't Yell At Us, We Didn't Do It!" which states the government "should look at its own follies and excesses." pp. H4103-4
8. WATER RESEARCH. Received from Interior "proposals for 32 projects selected for funding under section 200(a) of the Water Resources Research Act of 1964." p. H4110
9. AIR POLLUTION. Rep. Dingell stated that California's air pollution regulations have not changed since 1966 and had his amendment to the 1967 clean air bill been adopted this would not have been the case. pp. H4100-1
10. APPROPRIATIONS. Received from the President a supplemental appropriation estimate for pay increases for fiscal year 1968 (H. Doc. 316); to Appropriations Committee. A table showing the proposed plan for funding these

House

May 27, 1968

- 3 -

"Second. Qualify for fund allotments for research, investigation, and experimentation in marketing, consumer education, food handling, and so forth, under the Agricultural Marketing Act of 1946.

"Third. Receive a total annual grant of \$170,000--under the Bankhead-Jones Act of 1935--for agricultural research, extension work, and increased support for land-grant colleges. The college would receive an equal share of an annual national grant of \$7.8 million, or \$150,000 and, on a population basis, a share of a further national grant of \$4.3 million, or \$20,000--for a total of \$170,000 to support such instruction. So as not to dilute the present entitlement of the 50 States and Puerto Rico to endowment and support funds; section 108 authorizes additional appropriations of \$170,000 to take care of the District.

"Fourth. Receive authorization for a capital grant of \$7,241,706--in lieu of public land grants of land-scrip provided in the first Morrill Act for the States--to be an endowment to be invested in bonds and the income used for support of the college's mechanic arts and agricultural programs...

"Fifth. Participate in cooperative extension services, including home economics and 4-H programs of the Department of Agriculture--By extending the Smith Lever Act of 1914. The District will have to match the Federal allotments on a 50-50 basis following the fiscal year ending June 30, 1970.

"Sixth. In addition to providing basic, enabling legislation for the college to qualify under the land-grant programs indicated, the bill includes for the District of Columbia acceptance of the terms and conditions of such programs" (p. H4277).

12. CREDIT UNIONS. Passed as reported H. R. 14907, to amend the Federal Credit Union Act (pp. H4280, H4297-301). See Digest 83 for provisions of the bill.
13. EXPORT-IMPORT. The Banking and Currency Committee reported with amendment H. R. 16162, to enable the Export-Import Bank to extend loans, guarantees, and insurance in certain cases (H. Rept. 1476). p. H4321
14. HAWAII LOANS. The Agriculture Committee voted to report (but did not actually report) H. R. 15562, to authorize loans on leasehold interests in Hawaii. p. D487
15. LANDS. The Agriculture Committee reported without amendment H. R. 16065, to release conditions conveying certain lands to Iowa (H. Rept. 1479). p. H4321
16. APPROPRIATIONS. The Appropriations Committee reported, on May 24 during adjournment, H. R. 17522, the Departments of State, Justice, and Commerce, the Judiciary, and related agencies appropriation bill (H. Rept. 1468). p. H4321
17. FARM PROGRAM. Reps. Madden, Teague (Calif.), and Belcher expressed opposition to the extension of the Food and Agriculture Act of 1965. pp. H4302-3
18. RECLAMATION. Received from Interior a report on the Narrows unit, Missouri River Basin project, Colo. (H. Doc. 320). p. H4320

19. SUPPLIES. Received a GAO report on the "opportunities for reducing the cost of providing Federal agencies with certain supplies, General Services Administration." p. H4320
20. GRANT PROGRAMS. Received from GAO a report "on the need for Government-wide standardization of allowances under Federal fellowship and traineeship grant programs." p. H4320
21. RAISINS. Rep. Sisk stated the Calif. raisin industry "has just recently adopted a new, higher grade regulation which will apply to the State's production of...seedless raisins beginning September 1." p. H4251
22. LEGISLATIVE PROGRAM. Rep. Albert stated he hoped the legislative program for the week would be finished on Wednesday and that it had not been decided whether "we will go over" to Monday "by resolution or have a pro forma meeting on Friday." p. H4252

EXTENSION OF REMARKS

23. YEARBOOK. Sen. Mondale inserted a review of this Department's 1967 yearbook. p. E4636
24. FARM PROGRAM. Rep. Madden stated that the American Farm Bureau Federation and many farm and economy groups oppose extending the farm program for another year and inserted an article, "House Panel Deadlocked on Farm Bill." pp. E4645-6
25. EDUCATION. Rep. Cohelan opposed certain amendments adopted by the House to the Higher Education Assistance Act of 1968, and inserted an article, "Double Dealing." pp. E4666-7
26. CREDIT. Speech in the House by Rep. DeLa Garza supporting temporary funding of the emergency credit revolving fund. p. E4670
27. SCHOOL LUNCH. Rep. Pucinski commended and inserted an article which calls attention to the "deplorable situation" that there are "more than 4 million children of disadvantaged families in America who are not getting hot lunches in their schools." p. E4670
28. MARKETING INFORMATION. Rep. Cohelan praised the marketing information services of this Department. p. E4673
29. OPINION POLL. Reps. Keith, Wyatt, and Collier inserted results of questionnaires, including items of interest to this Department. pp. E4675, E4679, E4681-2
30. NATIONAL PARK; FORESTS. Rep. Cohelan recommended early action on the Redwood National Park bill and stated that "Unless we act soon, there will be no virgin timber left in sufficient quantity to warrant a park." p. E4682

LAND TRANSFER TO IOWA STATE UNIVERSITY

MAY 27, 1968.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. POAGE, from the Committee on Agriculture,
submitted the following

REPORT

[To accompany H.R. 16065]

The Committee on Agriculture, to whom was referred the bill (H.R. 16065) to direct the Secretary of Agriculture to release on behalf of the United States conditions in deeds conveying certain lands to the State of Iowa, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

GENERAL STATEMENT

H.R. 16065 involves approximately 955 acres of land acquired by the United States in the 1930's and administered under the Bankhead-Jones Farm Tenant Act. Title III of that act authorizes the Secretary of Agriculture to convey lands to public agencies under the terms and conditions he deems would best accomplish title III purposes. In 1955 conveyance was made to the State of Iowa for the use of the college on the condition that the property be used for public purposes. If the land is not so used, the title reverts to the United States.

This acreage is in two parcels, 410 and 545.81 acres, respectively. They have been used by Iowa State University for beef cattle research and other experimental agricultural purposes. Because the tracts are 75 miles apart and will support only about one mother cow to every 4 or 5 acres, it is not economically sound to operate them as beef cattle units singly. The university wishes to sell or exchange one or both of these tracts and use the proceeds to establish a larger unit.

PURPOSE

H.R. 16065 would direct the Secretary of Agriculture to release the condition in the deeds of 1955 which require that the land conveyed to the State of Iowa for the use and benefit of Iowa State College of Agriculture and Mechanical Arts, now Iowa State University, be used for public purposes. This bill is similar to Public Law 84-237 and Public Law 90-307, which covered lands conveyed to the Clemson University in South Carolina and the University of Maine, respectively. Those colleges held title to lands under the same provisions of law and under the same conditions in their respective conveyances. A similar problem existed in each case as presently exists in this situation, one of adjusting the management and use of the lands to the changed conditions.

The bill would permit Iowa State University to sell, lease, or otherwise dispose of the land under the following conditions which would be specified in an agreement between the Secretary of Agriculture and the university:

- (1) All proceeds from the sale, lease, exchange, or disposition of such lands must be used by the university for the acquisition of lands to be held for university purposes, or for the development or improvement of any new lands so acquired; and

- (2) All proceeds from the sale, lease, or other disposition of lands covered by any such agreement shall be maintained by the university in a separate fund and a record of all transactions involving such funds shall be open to inspection by the Secretary of agriculture.

The bill directs the Secretary of Interior to convey, upon application, all the undivided mineral interests of the United States in any parcel or tract of land released to Iowa State University or to its successors in title. If any mineral value exists, the applicant must pay a fair market value as determined by the Secretary of Interior. Where no mineral value exists, the mineral interests would be conveyed to the applicant for the consideration of \$1. Each application must be accompanied by a nonrefundable deposit to cover the administrative costs as determined by the Secretary of Interior. Upon a conveyance the applicant will pay to the Secretary of Interior all of the administrative costs, less the deposit. If no conveyance is made, the deposit constitutes full satisfaction of the administrative costs.

The committee is advised that no mineral production is currently in progress on the subject lands. Recent borings in the vicinity have established the existence of possibly commercial deposits of gypsum (calcium sulphate dehydrate). Soft coal mining has ceased in the area because it was not commercially profitable.

Money paid to the Secretary of the Interior under the provisions of this legislation shall be paid into the Treasury of the United States as miscellaneous receipts.

NEED FOR THE LEGISLATION

The 410-acre tract near Lineville is estimated to have a current market value of approximately \$150 per acre, a total worth of \$61,500. The 545.81 acres near Albia is estimated to have a current market value of \$200 per acre for an aggregate of \$109,000. The improve-

ments placed on the lands by the college and the management provided have substantially enhanced these tracts above others in the same general vicinity. The fact that these two tracts are some 75 miles apart prohibits their being operated as a single efficient unit. Neither of them have sufficient size or value to carry on the type of experimentation the college deems necessary. They are currently used for beef cattle research, land treatment, farm pond improvement, and development of feeding and watering methods which permit higher carrying capacities.

The university intends to sell or exchange one or both of these tracts to obtain one larger parcel which will be more suitable for the continuation of a beef cow herd. This area in southern Iowa is not particularly well suited for crop production and the university has devoted this land to development of other types of agricultural income.

COST

Enactment of H.R. 16065 would not result in any additional cost to the Federal Government.

HEARINGS

Hearings were held on H.R. 16065 on May 15, 1968.

DEPARTMENTAL VIEWS

The Department of Agriculture recommends the enactment of this bill. Following is the letter from the Secretary of Agriculture approving the legislation:

DEPARTMENT OF AGRICULTURE,
Washington, D.C., May 15, 1968.

Hon. W. R. POAGE,
Chairman, Committee on Agriculture,
House of Representatives.

DEAR MR. CHAIRMAN: As you asked, here is our report on H.R. 16065, to direct the Secretary of Agriculture to release on behalf of the United States conditions in deeds conveying certain lands to the State of Iowa, and for other purposes.

We recommend enactment of H.R. 16065.

H.R. 16065 would authorize and direct the Secretary of Agriculture to release on behalf of the United States certain conditions contained in two 1955 deeds conveying certain described lands to the State of Iowa for the use and benefit of the agricultural experiment station of the Iowa State College of Agriculture and Mechanic Arts, now the Iowa State University. The conditions required that the lands conveyed to the State be used for public purposes and provide for a reversion to the United States if the lands cease to be so used.

This bill provides that the Secretary shall release the conditions only with respect to lands covered by an agreement between the Secretary and the university which would set forth certain conditions.

H.R. 16065 would also authorize the Secretary of the Interior, under certain conditions, to convey to the State of Iowa for the use and benefit of Iowa State University or successors in title all the undivided mineral interests which were reserved to the United States in lands conveyed to the State.

The lands involved in H.R. 16065 were originally acquired by the United States under the provisions of title III of the Bankhead-Jones Farm Tenant Act (50 Stat. 525). This title authorizes the Secretary of Agriculture to conduct a program for the rehabilitation of sub-marginal lands. Title III also authorizes the Secretary to dispose of lands to public authorities and agencies under terms and conditions he deems will best accomplish title III purposes, but only on condition that the property conveyed is used for public purposes.

The 955.81 acres of land in question were conveyed to the State of Iowa on July 29, 1955, subject to the condition that they be used for public purposes. If not so used, ownership would revert to the United States.

We understand that the State of Iowa is seeking a release of the public use condition so that it may sell one or both of the two tracts conveyed to it. These two tracts, consisting of 410 and 545.81 acres, respectfully, have been used for beef cattle research and other experimental purposes. Due to changes in direction and emphasis in the work on these areas and size of farms and related facilities, the individual areas are no longer adequate to meet the university's needs. Therefore, the university wishes to sell or exchange one or both of the tracts and use the proceeds to establish a single larger, more efficient unit to meet the university's needs. The use of the proceeds to acquire lands to be held permanently for university purposes would not be inconsistent with the basic purposes of the public use requirement in the original conveyance to the university.

H.R. 16065 is similar to H.R. 11527 recently enacted by the Congress and to Public Law 84-237 involving lands conveyed to the University of Maine and to Clemson Agricultural College, now Clemson University, of South Carolina.

Some 836,000 acres of such lands have been conveyed by the United States to various States and State agencies and organizations in a number of separate transactions. All of these conveyances are subject to the same reversionary clause if the lands are not used for public purposes. The conveyances also included the same mineral rights reservations.

During the intervening years, changes in land use patterns and resource management programs, administrative requirements, and other factors have resulted in the need for others of the respective owning public authorities or agencies to sell, exchange, or otherwise dispose of a part of the title III lands conveyed to them so as to further the purposes and activities of those public bodies. Two other such cases are before us now. Others may come up in the future.

The Bureau of the Budget advises that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely yours,

ORVILLE L. FREEMAN, *Secretary.*

○

Union Calendar No. 568

90TH CONGRESS
2D SESSION

H. R. 16065

[Report No. 1479]

IN THE HOUSE OF REPRESENTATIVES

MARCH 19, 1968

Mr. SCHERLE (for himself and Mr. KYL) introduced the following bill; which
was referred to the Committee on Agriculture

MAY 27, 1968

Committed to the Committee of the Whole House on the State of the Union
and ordered to be printed

A BILL

To direct the Secretary of Agriculture to release on behalf of
the United States conditions in deeds conveying certain
lands to the State of Iowa, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That, notwithstanding the provisions of subsection (c) of
4 section 32 of the Bankhead-Jones Farm Tenant Act, as
5 amended (7 U.S.C. 1011(c)), the Secretary of Agricul-
6 ture is authorized and directed to release on behalf of the
7 United States with respect to lands designated pursuant to
8 section 2 hereof, the conditions in those two deeds dated
9 July 29, 1955, conveying lands in the counties of Monroe
10 and Decatur in the State of Iowa to the State of Iowa

1 acting by and through its State board of regents for the
2 use and benefit of the agricultural experiment station of
3 the Iowa State College of Agriculture and Mechanic Arts,
4 now Iowa State University, which require that the lands so
5 conveyed be used for public purposes and provide for a
6 reversion of such lands to the United States if at any time
7 they cease to be so used.

8 SEC. 2. The Secretary shall release the conditions re-
9 ferred to in the first section of this Act only with respect
10 to lands covered by and described in an agreement or agree-
11 ments entered into between the Secretary and the university
12 in which the university, in consideration of the release of
13 such conditions as to such lands, agrees—

14 (1) that all the proceeds from the sale, lease, ex-
15 change, or disposition of such lands shall be used by
16 the university for the acquisition of lands to be held for
17 university purposes, or for the development or improve-
18 ment of any lands so acquired;

19 (2) that all the proceeds from the sale, lease, or
20 other disposition of lands covered by any such agree-
21 ment shall be maintained by the university in a separate
22 fund and that the record of all transactions involving
23 such funds shall be open to inspection by the Secretary
24 of Agriculture.

25 SEC. 3. Upon application, all the undivided mineral

1 interests of the United States in any parcel or tract of land
2 released pursuant to this Act from the conditions as to such
3 lands shall be conveyed to the State of Iowa for the use and
4 benefit of Iowa State University or its successors in title
5 by the Secretary of the Interior. In areas where the Secre-
6 tary of the Interior determines that there is no active mineral
7 development or leasing, and that the lands have no mineral
8 value, the mineral interests covered by a single application
9 shall be sold for a consideration of \$1. In other areas the
10 mineral interests shall be sold at the fair market value thereof
11 as determined by the Secretary of the Interior after taking
12 into consideration such appraisals as he deems necessary or
13 appropriate.

14 SEC. 4. Each application made under the provisions of
15 section 3 of this Act shall be accompanied by a nonrefundable
16 deposit to be applied to the administrative costs as fixed by
17 the Secretary of the Interior. If the conveyance is made, the
18 applicant shall pay to the Secretary of the Interior the full
19 administrative costs, less the deposit. If a conveyance is not
20 made pursuant to an application filed under this Act, the
21 deposit shall constitute full satisfaction of such administrative
22 costs notwithstanding that the administrative costs exceed the
23 deposit.

24 SEC. 5. The term "administrative costs" as used in this
25 Act includes, in addition to other items, all costs which the

1 Secretary of the Interior determines are included in a deter-
2 mination of (1) the mineral character of the land in question,
3 and (2) the fair market value of the mineral interest.

4 SEC. 6. Amounts paid to the Secretary of the Interior
5 under the provisions of this Act shall be paid into the Treas-
6 ury of the United States as miscellaneous receipts.

Union Calendar No. 586

90TH CONGRESS
2D SESSION

H. R. 16065

[Report No. 1479]

A BILL

To direct the Secretary of Agriculture to release
on behalf of the United States conditions in
deeds conveying certain lands to the State
of Iowa, and for other purposes.

By Mr. SCHERLE and Mr. KYL

MARCH 19, 1968

Referred to the Committee on Agriculture

MAY 27, 1968

Committed to the Committee of the Whole House on
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lien should not be permitted unless the transfer is agreed to by the lienholders. It was not felt that the consent of lienholders should be required where the transfer was by annual lease, as the allotment would return to the lessor farm upon expiration of the lease. However, in drafting the legislation, the consent of lienholders was required for all transfers for these kinds of tobacco. The committee is advised that this has resulted in considerable inconvenience and expense to farmers desiring to lease their allotments. H.R. 17002 will eliminate this problem and make the provisions for the lease of allotments for Fire-cured, Dark Air-cured, and Virginia Sun-cured tobacco consistent with the provisions for the lease of allotments for other kinds of tobacco for which transfers are authorized. The consent of lienholders will still be required where transfers are by sale or lease for periods longer than 1 year."

8. LANDS. Passed without amendment H. R. 16065, to direct the Secretary of Agriculture to release on behalf of the United States conditions in deed conveying certain lands to the State of Iowa (pp. H4464-5). The committee report states:

"The bill would permit Iowa State University to sell, lease, or otherwise dispose of the land under the following conditions which would be specified in an agreement between the Secretary of Agriculture and the university:

"(1) All proceeds from the sale, lease, exchange, or disposition of such lands must be used by the university for the acquisition of lands to be held for university purposes, or for the development or improvement of any new lands so acquired; and

"(2) All proceeds from the sale, lease, or other disposition of lands covered by any such agreement shall be maintained by the university in a separate fund and a record of all transactions involving such funds shall be open to inspection by the Secretary of Agriculture.

"The bill directs the Secretary of Interior to convey, upon application, all the undivided mineral interests of the United States in any parcel or tract of land released to Iowa State University or to its successors in title. If any mineral value exists, the applicant must pay a fair market value as determined by the Secretary of Interior. Where no mineral value exists, the mineral interests would be conveyed to the applicant for the consideration of \$1. Each application must be accompanied by a nonrefundable deposit to cover the administrative costs as determined by the Secretary of Interior. Upon a conveyance the applicant will pay to the Secretary of Interior all of the administrative costs, less the deposit. If no conveyance is made, the deposit constitutes full satisfaction of the administrative costs."

9. LOANS. The Agriculture Committee reported without amendment H. R. 15562, to authorize loans on leasehold interests in Hawaii (H. Rept. 1509). p. H4489
10. BUILDINGS. The Public Works Committee reported with amendment H. R. 16981, to limit the use for demonstration purposes of any federally owned property in the District of Columbia, requiring the posting of a bond (H. Rept. 1510). p. H4489

Both Houses received from the President a communication commending the report of the National Commission on Architectural Barriers to Rehabilitation

of the Handicapped (H. Doc. 324); to H. Public Works and S. Labor and Public Welfare Committees. pp. H4472, S6719-20

11. ARTS AND HUMANITIES. Received the conference report (H. Rept. 1511) on H. R. 11308, to amend the National Foundation on the Arts and Humanities Act of 1965 to authorize funding through fiscal year 1970, and make certain other changes of a technical nature. pp. H4470-1
12. FORESTRY. Passed as reported, H. R. 3165, for the relief of Hood River County, Oreg., in connection with alleged timber trespass arising out of timber sales (p. H4457). The committee report states the purpose of the bill "is to relieve Hood River County, Oreg., of all liability to the United States, based on the proceeds of timber sales from 160 acres of land considered to have been a part of the Hood River County Forest in the period 1946 through 1961, which land was subsequently held by the United States to be Federal land."
13. PERSONNEL. Passed as reported H. R. 15395, to provide salary step advancements and adjustments for employees moving to and from different pay systems (pp. H4458-9). The committee report states:

"The purpose of this legislation is to increase the mobility of Federal employees between different Federal pay systems--

"(1) by authorizing, in certain cases, a two-step increase for employees who move from a position under one Federal pay system to a higher level position under either the general schedule or the postal field service schedule pay systems; and

"(2) by granting discretionary authority to the Postmaster General to appoint an employee to any position in the postal field service, and to fix his initial rate of compensation in the postal field service at a rate which is less than one full step above the highest basic salary previously received by him as a Federal employee."
14. TAXATION; EXPENDITURES. Rep. Curtis advised that he "would vote for a \$6 billion cut, and the tax increase...if the President will sit down and work out where \$6 billion cuts will be made--and that means beginning right now." pp. H4474-6
15. HOUSING. Rep. Annunzio urged support of the housing bill. p. H4481
16. HUNGER; INFORMATION. Rep. Sisk stated he believed "the press--both broadcast and print media--have let slick writing and dramatic production become more important than the truth" and inserted Secretary Freeman's letters to CBS and Rep. Perkins critical of the CBS report, "Hunger in America." He also inserted the Secretary's statement, "Food--Hunger: 1968." pp. H4482-7
17. MANPOWER. Received the annual report of the Joint Commission on Correctional Manpower Training, Inc. p. H4488
18. WATER RESOURCES. Received from Interior a proposed bill to authorize the Secretary of the Interior to engage in feasibility investigations of certain water resource developments; to Interior and Insular Affairs Committee. p. H4488

course, is not known, but it is some place around 40,000.

Mr. JOHNSON of Pennsylvania. 40,000? This would mean that each Indian then would get around \$700 on this distribution?

Mr. ASPINALL. It would be \$700 plus.

Mr. JOHNSON of Pennsylvania. Will there be any strings attached to the distribution of this money, or will it be paid out without any strings attached at all?

Mr. ASPINALL. Without any strings attached at all, as far as the per-capita payment is concerned.

Of course, there may be some Indians who will not apply for some reason or other, and that amount of money, small though it might be, would remain in the Treasury.

Mr. JOHNSON of Pennsylvania. I have another question. Quite a number of Indians have come here to Resurrection City and I have heard them on television and the radio bemoaning the fact of the relatively raw deal that they have received, and so forth.

I have been on this committee for 3 years and it seems that large sums of money, millions of dollars, have been paid out to various Indian tribes.

Will this \$29 million or \$30 million satisfy the Indians of California, would you say?

Mr. ASPINALL. I would say it would not satisfy all of them. Indians are human just like all other people and it may be some of them will not be satisfied, but so far as this judgment is concerned, or so far as obtaining any judgment under the Indian Claims Commission procedure, this will have to satisfy them. They will have to have somebody, if they are not satisfied, bring another bill to the Congress and that will have to stand on its own and it will not be handled through the present Indian Claims Commission procedure.

Mr. JOHNSON of Pennsylvania. Would it not be better rather than just paying money out promiscuously to them, if you established a family plan distribution like you have in some of the other bills that come before the Congress?

Mr. ASPINALL. On this particular matter the answer, of course is "No." These Indians are scattered. Some do not belong to any bands and others belong to small bands and there is no way at all to supervise such a proposition. We would have done that if it were possible.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of Pennsylvania. I yield to the gentleman.

Mr. HALL. My questions are ones of principle and involve questions of precedents rather than the wisdom of the Indian Claims Commission or the chairman of the Committee on Interior and Insular Affairs. Will this, perhaps, establish a precedent in distributing land in lieu of now worthless paper money to Indians who have a just claim?

Mr. ASPINALL. I would answer my colleague, the gentleman from Missouri, and say it could not establish any precedent. These Indians, as I have suggested, are scattered—40,000 of them—all of them except perhaps 300 or 400 are favorable to this distribution. There is

no other way these Indians could receive any kind of like treatment from the Federal Government except through this judgment.

Mr. HALL. But, is there not a provision in this bill, or the amendments thereunto, or in the report, that they may receive land instead of cash money?

Mr. ASPINALL. I know of no provision in this particular bill because this is purely a money bill.

Mr. HALL. This helps my problem. I appreciate the statement and the legislative record made by the distinguished chairman. I had understood that some of the departments were questioning a precedent of land redistribution out of Federal holdings in lieu of cash in part.

Mr. ASPINALL. Not in this particular legislation.

Mr. HALL. I thank the gentleman.

Mr. JOHNSON of Pennsylvania. Mr. Speaker, in view of the fact that the statement has been made that these Indians will be relatively well satisfied, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

H.R. 10911

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of the Interior shall prepare a roll of person who apply for inclusion thereon and (i) whose names or the name of an ancestor of whom appears on any of the approved rolls heretofore prepared pursuant to the Act of May 18, 1928 (45 Stat. 602) and the amendments thereto or who can establish, to satisfaction of the Secretary, descent from an Indian ancestor who resided in California on June 1, 1852, and (ii) who were born on or before and were living on the effective date of this Act.

(b) The roll so prepared shall indicate, as nearly as possible, the group or groups of Indians of California with which the ancestors of each enrollee were affiliated on June 1, 1852. If the affiliation of any of an enrollee's ancestors on that date is unknown, it shall be presumed to be the same as that of the ancestors whose affiliation is known unless there is sound reason to believe that it was not such.

(c) Application for enrollment shall be filed with the Area Director of the Bureau of Indian Affairs, Sacramento, California, on forms prescribed for that purpose.

SEC. 2. (a) When preparation of the aforesaid roll has been completed and it has been approved by the Secretary, he shall, for the purpose of determining whether a majority of those participating therein are in favor of accepting the \$29,100,000 compromise settlement approved by the Indian Claims Commission on July 20, 1964, in its consolidated dockets numbered 31, 37, 80, 80 D, and 347, conduct a referendum of all adult persons whose names appear on the roll except those whose ancestry is derived solely from one or more of the following groups: Northern Paiute, Southern Paiute, Mohave, Quecham (Yuma), Chemehuevi, Shoshone, Washoe, Klamath, Modoc, and Yahooskin Band of Snakes.

(b) Said referendum shall be conducted by sending, by registered or certified mail, a ballot to the last known address of each person entitled to vote in the referendum, which ballot shall be designed to indicate the respondent's approval or disapproval of the compromise settlement referred to in subsection (a) of this section and shall be returnable to the Area Director, Bureau of Indian Affairs, Sacramento, California, on or before the date thereon specified.

(c) If a majority of the votes validly cast in said referendum in favor of accepting the compromise settlement, the Secretary shall distribute to each person whose name appears on the roll prepared pursuant to the first section of this Act except those whose ancestry is derived solely from one or more of the groups set out in subsection (a) of this section an equal share of the moneys which were appropriated by the Act of October 7, 1964 (78 Stat. 1033; H. Doc. 399, Eighty-eighth Congress, p. 10) in satisfaction of the judgment of the Indian Claims Commission heretofore referred to plus the interest earned thereon, minus attorneys fees, litigation expenses (including the reimbursement of funds expended under authority of the Acts of August 4, 1955 (69 Stat. 460) and July 14, 1960 (74 Stat. 509), a proper share of the costs of roll preparation, and such amounts as may be required to effect the distribution, provided, however, that the costs of conducting the referendum provided herein shall not be a charge against said judgment.

SEC. 3. The Secretary shall distribute to each person whose name appears on the roll prepared pursuant to section 1 of this Act an equal share of the undistributed balance of the moneys appropriated in satisfaction of the judgment of the Court of Claims in the case of The Indians of California against United States (102 Court of Claims 837; 59 Stat. 94; House Document 85; Seventy-fifth Congress, page 4), plus the interest earned thereon, minus a proper share of the costs of roll preparation and such amounts as may be necessary to effect the distribution.

SEC. 4. Each share distributable to an enrollee under sections 2 and 3 of this Act shall be paid directly to the enrollee or, if he is deceased at the time of distribution, to his heirs or legatees unless the distributee is under twenty-one years of age or is otherwise under legal disability, in which case such disposition shall be made of the share as the Secretary determines will adequately protect the best interests of the distributee. Funds distributed under the provisions of this Act shall not be subject to Federal or State income taxes.

SEC. 5. The Secretary is authorized to prescribe rules and regulations to carry out the provisions of this Act, which rules and regulations shall include an appropriate deadline for the filing of applications for enrollment under the first section of this Act and for the return of ballots in the referendum for which provision is made in section 2 of this Act. The determinations of the Secretary regarding eligibility for enrollment, the affiliation of an applicant's ancestors, and the shares of the cost of roll preparation to be charged to each of the two funds referred to in sections 2 and 3 of this Act shall be final. Not more than \$250,000 in all shall be available under this Act for the costs of roll preparation and of the distribution of shares.

With the following committee amendments:

On page 1, line 3, through page 2, line 4, strike out all of section 1(a) and insert in lieu thereof the following:

"That (a) the Secretary of the Interior shall prepare a roll of persons of Indian blood who apply for inclusion thereon and (i) whose names or the name of a lineal or collateral relative appears on any of the approved rolls heretofore prepared pursuant to the Act of May 18, 1928 (45 Stat. 602) and the amendments thereto or (ii) who can establish, to the satisfaction of the Secretary, lineal or collateral relationship to an Indian who resided in California on June 1, 1852, and (iii) who were born on or before and were living on the effective date of this Act."

On page 2, lines 8, 9, 10, and 11, strike out all of the second sentence of section 1(b) and insert in lieu thereof the following:

"If the affiliation of an enrollee's ancestors on that date is unknown, it shall be presumed to be the same as that of the ancestors' relatives whose affiliation is known unless there is sound reason to believe otherwise. Applicants whose ancestry is derived partly from one of the groups named in section 2(b) of this Act and partly from another group of Indians in California shall elect the affiliation to be shown for them on the roll."

On page 2, line 15, through page 4, line 4, strike out all of section 2 and insert in lieu thereof the following:

"SEC. 2. (a) The Secretary shall distribute to each person whose name appears on the roll prepared pursuant to the first section of this Act, except those whose ancestry is derived from one or more of the groups named in subsection (b) of this section, an equal share of the moneys which were appropriated by the Act of October 7, 1964 (78 Stat. 1033), in satisfaction of the judgment of the Indian Claims Commission in consolidated dockets numbered 31, 37, 80, 80-D, and 347, plus the interest earned thereon, minus attorney fees, litigation expenses (including the reimbursement of funds expended under authority of the Acts of July 1, 1946 (60 Stat. 348), August 4, 1955 (69 Stat. 460), and July 14, 1960 (74 Stat. 512)), a proper share of the costs of roll preparation, and such amounts as may be required to effect the distribution.

"(b) Persons whose ancestry is derived solely from one or more of the following groups and persons of mixed ancestry who elected to share, other than as heirs or legatees of enrollees, in any award granted to any of the following groups shall not share in the funds distributed pursuant to subsection (a) of this section: Northern Paiute, Southern Paiute, Mohave, Quechan (Yuma), Chemehuevi, Shoshone, Washoe, Klamath, Modoc, and Yahooskin Band of Snakes."

On page 4, line 5 through 14, strike out all of section 3 and insert in lieu thereof the following:

"SEC. 3. The Secretary shall distribute to each person whose name appears on the roll prepared pursuant to section 1 of this Act regardless of group affiliation an equal share of the undistributed balance of the moneys appropriated in satisfaction of the judgment of the Court of Claims in the case of The Indians of California against United States (102 Court of Claims 837; 59 Stat. 94), plus the interest earned thereon, including the reimbursed moneys and unexpended balances of the funds established by the Acts of July 1, 1946 (60 Stat. 348, August 4, 1955 (69 Stat. 460), and July 14, 1960 (74 Stat. 512), minus a proper share of the costs of roll preparation and such amounts as may be necessary to effect the distribution."

On page 4, line 18, strike out "legates" and insert "legatees".

On page 5, lines 4 and 5, strike out "Act and for the return of ballots in the referendum for which provision is made in section 2 of this".

On page 5, line 10, strike out "\$250,000," and insert "\$325,000".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to provide for preparation of a roll of persons of California Indian descent and the distribution of certain judgment funds.

A motion to reconsider was laid on the table.

(Mr. HALEY (at the request of Mr. ASPINALL) was granted permission to extend his remarks at this point in the RECORD.)

Mr. HALEY. Mr. Speaker, the purpose of the bill is to provide for the distri-

bution among the Indians of California of the balances of two claims judgments recovered by them. One is a judgment awarded by the Indian Claims Commission in 1964. The other is a judgment awarded by the Court of Claims in 1944.

This is money that belongs to the Indians. It is not Federal money. The bill involves no cost to the United States.

The 1964 judgment was based on a stipulated agreement between the Indians and the Department of Justice. The judgment was for \$29,100,000. It is on deposit in the U.S. Treasury and earns 4 percent interest per year until the money is distributed. After payment of attorney fees and litigation costs, the principal amounted to \$26,491,000, and the interest amounted to \$3,708,588, making a total of \$30,199,588, as of May 23, 1968.

The Indians who are entitled to share in the distribution are the descendants of Indians who were living in California in 1852. This is the date on which the Government took their lands without compensation.

The bill directs the Secretary of the Interior to prepare a roll of persons who are eligible to share in the distribution, and to distribute the money in equal shares. The cost of preparing the roll and making the distribution will be paid from the judgment. This is standard procedure.

A few splinter groups of Indians in California are prosecuting separate claims against the United States. These claims are still pending in the Indian Claims Commission. The splinter groups will retain any judgments they may recover, and will not share in the distribution of this 1964 judgment.

Some individual Indians are dissatisfied with the amount of the \$29,100,000 judgment, because they think they should have received more money. They have asked that a referendum be conducted to determine whether a majority are willing to "accept" the judgment. They think that if they vote to reject the judgment the case could be reopened and retried. This would not be possible. The judgment is final. It was based upon a stipulated agreement of the parties, and there is nothing for the Indians to vote on. The bill therefore makes no provision for a referendum. The only thing the bill can do is provide for a distribution of the money now in the Treasury to the credit of the Indians as a group.

The 1944 judgment was for approximately \$5,000,000, and most of it has been distributed. As of May 23, 1968, the balance on deposit was \$796,616, and the interest was \$338,626, making a total of \$1,135,243. This sum will be distributed to all Indians on the new roll to be prepared by the Secretary of the Interior.

(Mr. SISK (at the request of Mr. ASPINALL), was granted permission to extend his remarks at this point in the RECORD.)

Mr. SISK. Mr. Speaker, I should like to address myself for a few moments to a provision of H.R. 10911 which was not included in the bill as it passed the House today, but which I believe should have been in the bill. As introduced, this bill provided for a referendum of the Cali-

fornia Indians to approve the distribution provided by the bill.

We included this in the bill because we felt that we should, at every opportunity, provide the machinery for the beneficiaries of this legislation to exercise their privilege of voting on matters of importance to them.

Unhappily, the subcommittee which heard this measure disagreed with the proposal for a referendum and while I want to make it clear that I am not critical of the subcommittee or of its chairman, the gentleman from Florida [Mr. HALEY], I felt and still feel that the referendum provision should have been retained.

After the subcommittee took action on this bill, I took the matter with the full committee and prevailed on my good friend and colleague, the gentleman from California [Mr. JOHNSON], to offer an amendment restoring the referendum provision. Regrettably, again we were unsuccessful.

The question which weighed heavily on my mind as we approached the time for action on this bill was whether or not I should take my case to the floor of the House, but as I evaluated the situation I decided that this was a fight which, though worthy of the effort, could not be won. So I decided that I would agree to the bill as it came before the House.

I feel that further action on my part would be futile, and would serve only to further delay the distribution of these funds for which the Indians of California have been waiting so long. The indications we have received through the mail are that the overwhelming majority of the Indians are in favor of this legislation and for that reason, perhaps the referendum would be superfluous.

The action of the House in approving this legislation today does not, of course, prevent further action in future Congresses, but under all of the circumstances, I feel that the bill as it was presented to the House represents the best that can be achieved. The money has been approved. The judgment of the Indian Claims Commission is final and time for all appeals has long since expired. So although I have reservations about the lack of a referendum provision, I am prepared to accept the bill as it is.

LAND TRANSFER TO IOWA STATE UNIVERSITY

The Clerk called the bill (H.R. 16065) to direct the Secretary of Agriculture to release on behalf of the United States conditions in deeds conveying certain lands to the State of Iowa, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

H.R. 16065

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of subsection (c) of section 32 of the Bankhead-Jones Farm Tenant Act, as amended (7 U.S.C. 1011 (c)), the Secretary of Agriculture is authorized and directed to release on behalf of the United States with respect to lands designated pursuant to section 2 hereof, the conditions in those two deeds dated July 29, 1955, conveying lands in the counties of Monroe and

Decatur in the State of Iowa to the State of Iowa acting by and through its State board of regents for the use and benefit of the agricultural experiment station of the Iowa State College of Agriculture and Mechanic Arts, now Iowa State University, which require that the lands so conveyed be used for public purposes and provide for a reversion of such lands to the United States if at any time they cease to be so used.

SEC. 2. The Secretary shall release the conditions referred to in the first section of this Act only with respect to lands covered by and described in an agreement or agreements entered into between the Secretary and the university in which the university, in consideration of the release of such conditions as to such lands, agrees—

(1) that all the proceeds from the sale, lease, exchange, or disposition of such lands shall be used by the university for the acquisition of lands to be held for university purposes, or for the development or improvement of any lands so acquired;

(2) that all the proceeds from the sale, lease, or other disposition of lands covered by any such agreement shall be maintained by the university in a separate fund and that the record of all transactions involving such funds shall be open to inspection by the Secretary of Agriculture.

SEC. 3. Upon application, all the undivided mineral interests of the United States in any parcel or tract of land released pursuant to this Act from the conditions as to such lands shall be conveyed to the State of Iowa for the use and benefit of Iowa State University or its successors in title by the Secretary of the Interior. In areas where the Secretary of the Interior determines that there is no active mineral development or leasing, and that the lands have no mineral value, the mineral interests covered by a single application shall be sold for a consideration of \$1. In other areas the mineral interests shall be sold at the fair market value thereof as determined by the Secretary of the Interior after taking into consideration such appraisals as he deems necessary or appropriate.

SEC. 4. Each application made under the provisions of section 3 of this Act shall be accompanied by a nonrefundable deposit to be applied to the administrative costs as fixed by the Secretary of the Interior. If the conveyance is made, the applicant shall pay to the Secretary of the Interior the full administrative costs, less the deposit. If a conveyance is not made pursuant to an application filed under this Act, the deposit shall constitute full satisfaction of such administrative costs notwithstanding that the administrative costs exceed the deposit.

SEC. 5. The term "administrative costs" as used in this Act includes, in addition to other items, all costs which the Secretary of the Interior determines are included in a determination of (1) the mineral character of the land in question, and (2) the fair market value of the mineral interest.

SEC. 6. Amounts paid to the Secretary of the Interior under the provisions of this Act shall be paid into the Treasury of the United States as miscellaneous receipts.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

U.S. COURT OF MILITARY APPEALS

The Clerk called the bill (S. 2634) to amend section 867(a) of title 10, United States Code, in order to establish the Court of Military Appeals as the U.S. Court of Military Appeals under article I of the Constitution of the United States, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, reserving the right to object, I should like to ask someone about the present terms of the judges now on this court.

Mr. PHILBIN. The judges are appointed for a period of 15 years.

Mr. GROSS. The bill, then, merely restates language already existing—a term of 15 years?

Mr. PHILBIN. That is true.

Mr. GROSS. Where are the court sessions held?

Mr. PHILBIN. The court sessions are held in the District of Columbia.

Mr. GROSS. Exclusively in the District of Columbia?

Mr. PHILBIN. Yes. It is the highest appellate court of the military services to which the members of the armed services may appeal, and it has jurisdiction over all matters pertaining to the dispensing of justice to those who are in the armed services.

Mr. GROSS. For what purpose do they travel, then, if the sessions are held in the District of Columbia?

Mr. PHILBIN. The court sits here. You are speaking about those who, like law officers, might be assigned to handle trials, courts-martial, and so forth, in other places?

As the gentleman knows, there is a judicial body that handles those trials and courts-martial under the code. The court referred to in the bill is an appellate court, such as the U.S. Court of Appeals.

Mr. GROSS. But the members of the court do not travel as do judges within a certain specified circuit?

Mr. PHILBIN. No, they do not travel. They are here in Washington as an appellate court dealing with final appeals.

Mr. GROSS. I do notice in the bill that provision is made for travel allowances.

Mr. PHILBIN. They have normal traveling allowances.

Mr. GROSS. But they do not travel?

Mr. PHILBIN. Well, they travel in a limited way. I do not believe they have extensive travel, or need extensive travel allowances. I believe they would be limited to attendance at meetings of the Judicial Council and or the Bar Association, and similar professional meetings.

Mr. GROSS. They would be limited to what?

Mr. PHILBIN. To attendance before the judicial council, and possibly some official conventions at which judges would be expected to appear to discuss matters of interest to judges. Under Article 67 of the Uniform Code of Military Justice, they meet annually with the Judge Advocates General to make a comprehensive survey of military justice operations.

According to the information I have, that would be very limited, and also involves a limited allowance. Not much expenditure for that purpose is anticipated.

Mr. GROSS. Would this bill give members of this court retirement benefits that they do not presently enjoy?

Mr. PHILBIN. They have always had retirement benefits.

Mr. GROSS. They already have them?

Mr. PHILBIN. They have. This bill would permit a retired judge to be called back on the authority of the chief judge to help work on the backlog of cases that

they now have, and in that way help to dispose of the backlog that exists at the present time. That is about all the bill does.

Mr. GROSS. It does not change retirement benefits in any way?

Mr. PHILBIN. No, it does not change retirement benefits in any way, I may say to the distinguished gentleman.

Mr. GROSS. These judges enjoy the same benefits as do the Federal circuit and district judges?

Mr. PHILBIN. No, the judge would come back and serve during this interim period. He is already on retirement and receiving retirement benefits, but would be getting no additional salary or emoluments of any kind as a result of his service.

Mr. GROSS. I am not talking about those who are retired. I am talking about provisions for retirement for those now active.

Do these military appeal judges have the same retirement benefits as do the district and circuit judges?

Mr. PHILBIN. No, they have less than the regular retirement benefits that the other members of the judiciary have.

Mr. GROSS. In other words, do they make a contribution to any retirement fund?

Mr. PHILBIN. They have less than the regular benefits that are received by other members of the Federal judiciary. They make contributions to the Federal civil service retirement fund.

Mr. GROSS. They have 15-year terms?

Mr. PHILBIN. That is correct.

Mr. GROSS. Because the other body has refused to approve legislation giving them permanent appointments; is that correct?

Mr. PHILBIN. There was some bill pending here a few years ago to give them life tenure, but it was not passed by the Congress.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

Mr. PHILBIN. Mr. Speaker, S. 2634 is a bill that will permit retired members of the Court of Military Appeals to return at the request of the chief judge to help with the work of the court. In order to give such judges the necessary assistance each retired judge who is serving may have an assistant in a grade of not more than GS-9. With only three judges on the court there is not enough flexibility in the staff to provide a retired judge who is recalled with the necessary help. The chief judge will be responsible for the work of the assistant and when his services are no longer needed the chief judge will terminate them.

The workload of the court has increased from an average of 60 cases a month to 76 cases a month in the past year and a quarter. The current estimates are that this load will increase 25 percent more. This bill which the Senate has approved now will provide the extra flexibility which may be needed in the court. The price of this flexibility is only the price of one GS-9 or \$9,000 a year per judge. I think this is reasonable and fair.

One of the other purposes of the bill is to make it abundantly clear in the law

that the Court of Military Appeals is a court although it is a court established under article I of the Constitution.

The Court of Military Appeals is the highest court to which boys in our armed services can appeal to get justice.

At present it is running behind because of the very heavy workload being imposed upon it due to the war and increased military personnel.

It is estimated that there will be a 25-percent increase in the work of this court by the end of the year.

This bill will authorize the chief judge of the court to call back one retired judge to help clear up the growing backlog of work.

The retired judge will not receive compensation above his retirement benefits and the only cost to the Government will be for a law assistant for the judge at a GS-9 rate with a salary of \$9,000 a year whose services will be terminated when there is no longer need for his work.

Our boys in the service are making great sacrifices for the country and for us. We owe them a great debt, and the least we can do for them is to assure them of prompt, speedy justice when their cases are before this military court of last resort.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

S. 2634

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 867(a) (article 67(a)) of title 10, United States Code, is amended to read as follows:

"(a) (1) There is a United States Court of Military Appeals established under article I of the Constitution of the United States and located for administrative purposes only in the Department of Defense. The court consists of three judges appointed from civil life by the President, by and with the advice and consent of the Senate, for a term of fifteen years. The terms of office of all successors of the judges serving on the effective date of this Act shall expire fifteen years after the expiration of the terms for which their predecessors were appointed, but any judge appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the unexpired term of his predecessor. Not more than two of the judges of the court may be appointed from the same political party, nor is any person eligible for appointment to the court who is not a member of the bar of a Federal court or the highest court of a State. Each judge is entitled to the same salary and travel allowances as are, and from time to time may be, provided for judges of the United States Court of Appeals, and is eligible for reappointment. The President shall designate from time to time one of the judges to act as chief judge. The chief judge of the court shall have precedence and preside at any session which he attends. The other judges shall have precedence and preside according to the seniority of their commissions. Judges whose commissions bear the same date shall have precedence according to seniority in age. The court may prescribe its own rules of procedure and determine the number of judges required to constitute a quorum. A vacancy in the court does not impair the right of the remaining judges to exercise the powers of the court.

"(2) Judges of the United States Court of Military Appeals may be removed by the President, upon notice and hearing, for neg-

lect of duty or malfeasance in office, or for mental or physical disability, but for no other cause.

"(3) If a judge of the United States Court of Military Appeals is temporarily unable to perform his duties because of illness or other disability, the President may designate a judge of the United States Court of Appeals for the District of Columbia to fill the office for the period of disability.

"(4) Any judge of the United States Court of Military Appeals who is receiving retired pay may become a senior judge, may occupy offices in a Federal building, may be provided with a staff assistant whose compensation shall not exceed the rate prescribed for GS-9 in the General Schedule under section 5332 of title 5, and, with his consent, may be called upon by the chief judge of said court to perform judicial duties with said court for any period or periods specified by such chief judge. A senior judge who is performing judicial duties pursuant to this subsection shall be paid the same compensation (in lieu of retired pay) and allowances for travel and other expenses as a judge."

SEC. 2. The United States Court of Military Appeals established under this Act is a continuation of the Court of Military Appeals as it existed prior to the effective date of this Act, and no loss of rights or powers, interruption or jurisdiction, or prejudice to matters pending in the Court of Military Appeals before the effective date of this Act shall result. A judge of the Court of Military Appeals so serving on the day before the effective date of this Act shall, for all purposes, be a judge of the United States Court of Military Appeals under this Act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

INCREASING THE PARTICIPATION OF LAW OFFICERS IN COURTS-MARTIAL

The Clerk called the bill (H.R. 15971) to increase the participation of law officers and counsel on courts-martial, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

H.R. 15971

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 47 (Uniform Code of Military Justice) of title 10, United States Code, is amended as follows:

(1) Section 801(10) (article 1(10)) is amended by inserting the words "or special" after the word "general".

(2) Section 816 (article 16) is amended to read as follows:

"§ 816. Art. 16. Courts-martial classified

"The three kinds of courts-martial in each of the armed forces are—

"(1) general courts-martial, consisting of—

"(A) a law officer and not less than five members; or

"(B) only a law officer, if before the court is assembled the accused, knowing the identity of the law officer and after consultation with defense counsel, requests in writing a court composed only of a law officer and the law officer approved and the convening authority consents;

"(2) special courts-martial, consisting of—

"(A) not less than three members; or

"(B) a law officer and not less than three members; or

"(C) only a law officer, under the same conditions as those prescribed in clause (1) (B); and

"(3) summary courts-martial, consisting of one commissioned officer."

(3) Section 818 (article 18) is amended by adding the following sentence at the end thereof: "However, a general court-martial of the kind specified in section 816(1) (B) of this title (article 16(1) (B)) may not adjudge the penalty of death."

(4) Section 819 (article 19) is amended by striking out the last sentence and inserting the following sentence in place thereof: "A bad-conduct discharge may not be adjudged unless a complete record of the proceedings and testimony has been made and the accused was represented or afforded the opportunity to be represented at the trial by counsel having the qualifications prescribed under section 827(b) of this title (article 27(b)) unless, in time of war, counsel having such qualifications cannot be obtained on account of physical condition or military exigencies, and in such event the convening authority shall make a detailed statement, to be appended to the record, stating why such counsel could not be obtained."

(5) Section 825(c)(1) (article 25(c)(1)) is amended—

(A) by striking out "before the convening of the court," in the first sentence and inserting "before the conclusion of a session called by the law officer under section 839(a) of this title (article 39(a)) prior to trial or, in the absence of such a session, before the court is assembled for the trial of the accused," in place thereof; and

(B) by striking out "convened" in the last sentence and inserting "assembled" in place thereof.

(6) Subchapter V is amended by striking out the following item in the analysis:

"826. 26. Law officer of a general court-martial."

and inserting the following item in place thereof:

"826. 26. Law officer of a general or special court-martial."

(7) The catchline and subsection (a) of section 826 (article 26) are amended to read as follows:

"§ 826. Art. 26. Law officer of a general or special court-martial

"(a) The authority convening a general court-martial shall, and, subject to regulation of the Secretary concerned, the authority convening a special court-martial may, detail as law officer thereof a commissioned officer who is a member of the bar of a Federal court or of the highest court of a State and who is certified to be qualified for that duty by the Judge Advocate General of the armed force of which he is a member. A commissioned officer who is certified to be qualified for duty as a law officer of a general court-martial is also qualified for duty as a law officer of a single-officer or other special court-martial. A commissioned officer who is certified to be qualified for duty as a law officer of a special court-martial is qualified for duty as a law officer of any kind of special court-martial. However, no person may act as a law officer of a single-officer general court-martial unless he is specially certified to be qualified for that duty. No person is eligible to act as law officer in a case if he is the accuser or a witness for the prosecution or has acted as investigating officer or as counsel in the same case."

(8) Section 826(b) (article 26(b)) is amended by striking out the figures "839" and "39" and inserting the figures "839(b)" and "39(b)", respectively, in place thereof.

(9) Section 829 (article 29) is amended—

(A) by striking out "accused has been arraigned" in subsection (a) and inserting "court has been assembled for the trial of the accused" in place thereof;

(B) by inserting ", other than a single-officer general court-martial," after "court-martial" in the first sentence of subsection

90TH CONGRESS
2D SESSION

H. R. 16065

IN THE SENATE OF THE UNITED STATES

JUNE 4, 1968

Read twice and referred to the Committee on Agriculture and Forestry

AN ACT

To direct the Secretary of Agriculture to release on behalf of the United States conditions in deeds conveying certain lands to the State of Iowa, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That, notwithstanding the provisions of subsection (c) of
4 section 32 of the Bankhead-Jones Farm Tenant Act, as
5 amended (7 U.S.C. 1011(c)), the Secretary of Agricul-
6 ture is authorized and directed to release on behalf of the
7 United States with respect to lands designated pursuant to
8 section 2 hereof, the conditions in those two deeds dated
9 July 29, 1955, conveying lands in the counties of Monroe
10 and Decatur in the State of Iowa to the State of Iowa

1 acting by and through its State board of regents for the
2 use and benefit of the agricultural experiment station of the
3 Iowa State College of Agriculture and Mechanic Arts, now
4 Iowa State University, which require that the lands so con-
5 veyed be used for public purposes and provide for a reversion
6 of such lands to the United States if at any time they cease
7 to be so used.

8 SEC. 2. The Secretary shall release the conditions re-
9 ferred to in the first section of this Act only with respect
10 to lands covered by and described in an agreement or agree-
11 ments entered into between the Secretary and the university
12 in which the university, in consideration of the release of
13 such conditions as to such lands, agrees—

14 (1) that all the proceeds from the sale, lease, ex-
15 change, or disposition of such lands shall be used by
16 the university for the acquisition of lands to be held for
17 university purposes, or for the development or improve-
18 ment of any lands so acquired;

19 (2) that all the proceeds from the sale, lease, or
20 other disposition of lands covered by any such agree-
21 ment shall be maintained by the university in a separate
22 fund and that the record of all transactions involving
23 such funds shall be open to inspection by the Secretary
24 of Agriculture.

25 SEC. 3. Upon application, all the undivided mineral

1 interests of the United States in any parcel or tract of land
2 released pursuant to this Act from the conditions as to such
3 lands shall be conveyed to the State of Iowa for the use and
4 benefit of Iowa State University or its successors in title
5 by the Secretary of the Interior. In areas where the Secre-
6 tary of the Interior determines that there is no active mineral
7 development or leasing, and that the lands have no mineral
8 value, the mineral interests covered by a single application
9 shall be sold for a consideration of \$1. In other areas the
10 mineral interests shall be sold at the fair market value thereof
11 as determined by the Secretary of the Interior after taking
12 into consideration such appraisals as he deems necessary or
13 appropriate.

14 SEC. 4. Each application made under the provisions of
15 section 3 of this Act shall be accompanied by a nonrefundable
16 deposit to be applied to the administrative costs as fixed by
17 the Secretary of the Interior. If the conveyance is made, the
18 applicant shall pay to the Secretary of the Interior the full
19 administrative costs, less the deposit. If a conveyance is not
20 made pursuant to an application filed under this Act, the
21 deposit shall constitute full satisfaction of such administrative
22 costs notwithstanding that the administrative costs exceed the
23 deposit.

24 SEC. 5. The term "administrative costs" as used in this
25 Act includes, in addition to other items, all costs which the

1 Secretary of the Interior determines are included in a deter-
2 mination of (1) the mineral character of the land in question,
3 and (2) the fair market value of the mineral interest.

4 SEC. 6. Amounts paid to the Secretary of the Interior
5 under the provisions of this Act shall be paid into the Treas-
6 ury of the United States as miscellaneous receipts.

Passed the House of Representatives June 3, 1968.

Attest:

W. PAT JENNINGS,

Clerk.

AN ACT

To direct the Secretary of Agriculture to release on behalf of the United States conditions in deeds conveying certain lands to the State of Iowa, and for other purposes.

JUNE 4, 1968

Read twice and referred to the Committee on
Agriculture and Forestry

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE
WASHINGTON, D. C. 20250
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Issued June 24, 1968
For actions of June 21, 1968
90th-2nd; No. 107

CONTENTS

| | | |
|----------------------------|----------------------------|--------------------------|
| Adjournment.....20 | Flag.....11 | Pay costs.....8 |
| Agricultural program.....1 | Food for freedom.....4 | Personnel.....14,25 |
| Animal research.....12 | Foot-and-mouth disease...9 | Pollution.....15,16 |
| Appropriations.....8,26 | Foreign trade.....10,19,24 | Public Law 480.....4 |
| Buildings.....2 | Forest Service.....8 | Revolving fund.....14,25 |
| CCC.....5 | Health.....15 | School lunches.....8 |
| Claims.....26 | Highways.....26 | Supergrades.....14,25 |
| Coffee.....6 | Holidays.....11 | Supplemental |
| Consumer protection....15 | Housing.....23 | appropriations.....8 |
| Cotton.....10 | Hunger.....21 | Taxation.....1 |
| County committees.....3 | Lands.....9 | Tobacco.....9 |
| Economy.....22 | Migratory labor.....17 | Trade.....13 |
| Expenditures.....1 | Military construction...5 | Transportation.....7 |
| Extension service.....27 | Oceanography.....18 | World Farm Center.....9 |

HIGHLIGHTS: Senate committee reported second supplemental appropriation and Interior appropriation bills. Senate agreed to conference report on revenue-expenditure control bill. Senate committee reported foot-and-mouth disease bill and bill to lease tobacco allotments without clearance. Senate committee reported International Coffee Agreement and bill to prohibit certain cotton imports. Senate committee reported supergrades bill. Senate disagreed to House amendments to Public Law 480 and appointed conferees.

SENATE

1. TAXATION. Agreed to, 64-16, the conference report on H. R. 15414, the proposed Revenue and Expenditure Control Act of 1968 (pp. S7562-4, S7480-508). For provisions see Digest 106.

During the debate on the conference report Sen. Morse said that tax reform is what the American farmer needs and said that one of the reasons for migration of farmers to urban areas is the effect of what the vertical monopoly development

is doing to American agriculture (pp. S7485-6); and Sen. McGovern said that as much as \$400 million in tax revenues are now escaping because people and corporations are making income on nonfarm operations and are using agriculture as a means of reducing taxable income (pp. S7487-8). Sen. Javits listed ways to accommodate a \$6 billion expenditure cut mentioning "the \$7 billion agricultural program" (p. S7500).

2. BUILDINGS. Conferees were appointed on S. 222, to insure that public buildings financed with Federal funds are so designed and constructed as to be accessible to the physically handicapped (p. S7522). House conferees have not been appointed.
3. COUNTY COMMITTEES. Concurred in House amendments to S. 1028, to extend certain benefits to former employees of county committees (p. S7522). For provisions see Digest 83. This bill will now be sent to the President.
4. FOOD FOR FREEDOM. Conferees were appointed on S. 2986, to extend Public Law 480 for 3 years. House conferees have not been appointed. pp. S7522-3
5. MILITARY CONSTRUCTION. Continued debate on H. R. 16703, the military construction bill, which includes funds for payment of the debt to the Commodity Credit Corp. for foreign currencies used in prior years to construct military family housing overseas. pp. S7509, S7529-55
6. COFFEE. The Foreign Relations Committee reported without reservation the International Coffee Agreement, 1968. p. S7556
7. TRANSPORTATION. Received from the Transportation Department a proposed bill to unify and consolidate the rules for navigation of the waters of the United States; to the Commerce Committee. p. S7555
8. APPROPRIATIONS. The Appropriations Committee reported with amendments H. R. 17754, the Department of the Interior and related agencies appropriation bill (S. Rept. 1275) (p. S7756). A table reflecting the items for the Forest Service is attached to this Digest.

The Appropriations Committee reported with amendments on June 19 during recess H. R. 17734, the second supplemental appropriation bill, 1968 which includes \$32 million for the school lunch program for fiscal year 1969. The bill also includes items for defense, increased pay costs for Federal employees, and grants to states for public assistance (S. Rept. 1269) (p. S7480). For a table reflecting committee action on the bill see Digest 106.
9. ~~TOBACCO; LANDS, FOOT AND MOUTH DISEASE; WORLD FARM CENTER.~~ The Agriculture and Forestry Committee reported ~~the following bills: H. R. 17002, without amendment, to amend the Agricultural Adjustment Act of 1938 to permit the transfer of tobacco allotments by lease without clearance from lienholders (S. Rept. 1270).~~ H. R. 16065, without amendment; to direct the Secretary of Agriculture to release on behalf of the United States conditions in deeds conveying certain lands to Iowa (S. Rept. 1272). H. R. 16451, without amendment, to authorize cooperation with the several governments of Central America in the prevention

RELEASE OF CONDITIONS IN CONVEYANCES TO IOWA STATE UNIVERSITY

JUNE 21 (legislative day, JUNE 19), 1968.—Ordered to be printed

Mr. JORDAN of North Carolina, from the Committee on Agriculture and Forestry, submitted the following

R E P O R T

[To accompany H.R. 16065]

The Committee on Agriculture and Forestry, to which was referred the bill (H.R. 16065) to direct the Secretary of Agriculture to release on behalf of the United States conditions in deeds conveying certain lands to the State of Iowa, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

SHORT EXPLANATION

This bill would—

(1) Direct the Secretary of Agriculture to release conditions in two conveyances to Iowa State University requiring the lands to be used for public purposes. Such release would be conditioned upon (A) the university's agreement that all proceeds from the sale, lease, or other disposition of the lands be used to acquire lands to be held for university purposes, or for the development or improvement of any lands so acquired, and (B) the proceeds being kept in a separate fund and subject to inspection by the Secretary.

(2) Require the Secretary of the Interior upon application to convey the mineral interests of the United States to the surface owners at fair market value (or \$1 per application if of only nominal value).

The bill is generally similar to Public Law 90-307, which provides for a similar release to the University of Maine.

DEPARTMENTAL VIEWS

The bill is further explained in the attached report from the Department of Agriculture favoring its enactment.

DEPARTMENT OF AGRICULTURE,
Washington, D.C., May 15, 1968.

HON. W. R. POAGE,
Chairman, Committee on Agriculture,
House of Representatives.

DEAR MR. CHAIRMAN: As you asked, here is our report on H.R. 16065, to direct the Secretary of Agriculture to release on behalf of the United States conditions in deeds conveying certain lands to the State of Iowa, and for other purposes.

We recommend enactment of H.R. 16065.

H.R. 16065 would authorize and direct the Secretary of Agriculture to release on behalf of the United States certain conditions contained in two 1955 deeds conveying certain described lands to the State of Iowa for the use and benefit of the agricultural experiment station of the Iowa State College of Agriculture and Mechanic Arts, now the Iowa State University. The conditions required that the lands conveyed to the State be used for public purposes and provide for a reversion to the United States if the lands cease to be so used.

This bill provides that the Secretary shall release the conditions only with respect to lands covered by an agreement between the Secretary and the university which would set forth certain conditions.

H.R. 16065 would also authorize the Secretary of the Interior, under certain conditions, to convey to the State of Iowa for the use and benefit of Iowa State University or successors in title all the undivided mineral interests which were reserved to the United States in lands conveyed to the State.

The lands involved in H.R. 16065 were originally acquired by the United States under the provisions of title III of the Bankhead-Jones Farm Tenant Act (50 Stat. 525). This title authorizes the Secretary of Agriculture to conduct a program for the rehabilitation of submarginal lands. Title III also authorizes the Secretary to dispose of lands to public authorities and agencies under terms and conditions he deems will best accomplish title III purposes, but only on condition that the property conveyed is used for public purposes.

The 955.81 acres of land in question were conveyed to the State of Iowa on July 29, 1955, subject to the condition that they be used for public purposes. If not so used, ownership would revert to the United States.

We understand that the State of Iowa is seeking a release of the public use condition so that it may sell one or both of the two tracts conveyed to it. These two tracts, consisting of 410 and 545.81 acres, respectively, have been used for beef cattle research and other experimental purposes. Due to changes in direction and emphasis in the work on these areas and size of farms and related facilities, the individual areas are no longer adequate to meet the university's needs. Therefore, the university wishes to sell or exchange one or both of the tracts and use the proceeds to establish a single larger, more efficient unit to meet the university's needs. The use of the proceeds to acquire lands to be held

permanently for university purposes would not be inconsistent with the basic purposes of the public use requirement in the original conveyance to the university.

H.R. 16065 is similar to H.R. 11527 recently enacted by the Congress and to Public Law 84-237 involving lands conveyed to the University of Maine and to Clemson Agricultural College, now Clemson University, of South Carolina.

Some 836,000 acres of such lands have been conveyed by the United States to various States and State agencies and organizations in a number of separate transactions. All of these conveyances are subject to the same reversionary clause if the lands are not used for public purposes. The conveyances also included the same mineral rights reservations.

During the intervening years, changes in land use patterns and resource management programs, administrative requirements, and other factors have resulted in the need for others of the respective owning public authorities or agencies to sell, exchange, or otherwise dispose of a part of the title III lands conveyed to them so as to further the purposes and activities of those public bodies. Two other such cases are before us now. Others may come up in the future.

The Bureau of the Budget advises that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely yours,

ORVILLE L. FREEMAN, *Secretary*.

○

Calendar No. 1251

90TH CONGRESS
2D SESSION

H. R. 16065

[Report No. 1272]

IN THE SENATE OF THE UNITED STATES

JUNE 4, 1968

Read twice and referred to the Committee on Agriculture and Forestry

JUNE 21 (legislative day, JUNE 19), 1968

Reported by Mr. JORDAN of North Carolina, without amendment

AN ACT

To direct the Secretary of Agriculture to release on behalf of the United States conditions in deeds conveying certain lands to the State of Iowa, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That, notwithstanding the provisions of subsection (c) of
4 section 32 of the Bankhead-Jones Farm Tenant Act, as
5 amended (7 U.S.C. 1011(c)), the Secretary of Agricul-
6 ture is authorized and directed to release on behalf of the
7 United States with respect to lands designated pursuant to
8 section 2 hereof, the conditions in those two deeds dated
9 July 29, 1955, conveying lands in the counties of Monroe
10 and Decatur in the State of Iowa to the State of Iowa

1 acting by and through its State board of regents for the use
2 and benefit of the agricultural experiment station of the Iowa
3 State College of Agriculture and Mechanic Arts, now Iowa
4 State University, which require that the lands so conveyed
5 be used for public purposes and provide for a reversion of
6 such lands to the United States if at any time they cease to
7 be so used.

8 SEC. 2. The Secretary shall release the conditions re-
9 ferred to in the first section of this Act only with respect to
10 lands covered by and described in an agreement or agree-
11 ments entered into between the Secretary and the university
12 in which the university, in consideration of the release of
13 such conditions as to such lands, agrees—

14 (1) that all the proceeds from the sale, lease, ex-
15 change, or disposition of such lands shall be used by
16 the university for the acquisition of lands to be held for
17 university purposes, or for the development or improve-
18 ment of any lands so acquired;

19 (2) that all the proceeds from the sale, lease, or
20 other disposition of lands covered by any such agree-
21 ment shall be maintained by the university in a separate
22 fund and that the record of all transactions involving
23 such funds shall be open to inspection by the Secretary
24 of Agriculture.

25 SEC. 3. Upon application, all the undivided mineral

1 interests of the United States in any parcel or tract of land
2 released pursuant to this Act from the conditions as to such
3 lands shall be conveyed to the State of Iowa for the use and
4 benefit of Iowa State University or its successors in title
5 by the Secretary of the Interior. In areas where the Secre-
6 tary of the Interior determines that there is no active mineral
7 development or leasing, and that the lands have no mineral
8 value, the mineral interests covered by a single application
9 shall be sold for a consideration of \$1. In other areas the
10 mineral interests shall be sold at the fair market value thereof
11 as determined by the Secretary of the Interior after taking
12 into consideration such appraisals as he deems necessary or
13 appropriate.

14 SEC. 4. Each application made under the provisions of
15 section 3 of this Act shall be accompanied by a nonrefundable
16 deposit to be applied to the administrative costs as fixed by
17 the Secretary of the Interior. If the conveyance is made, the
18 applicant shall pay to the Secretary of the Interior the full
19 administrative costs, less the deposit. If a conveyance is not
20 made pursuant to an application filed under this Act, the
21 deposit shall constitute full satisfaction of such administrative
22 costs notwithstanding that the administrative costs exceed the
23 deposit.

24 SEC. 5. The term "administrative costs" as used in this
25 Act includes, in addition to other items, all costs which the

1 Secretary of the Interior determines are included in a deter-
 2 mination of (1) the mineral character of the land in question,
 3 and (2) the fair market value of the mineral interest.

4 SEC. 6. Amounts paid to the Secretary of the Interior
 5 under the provisions of this Act shall be paid into the Treas-
 6 ury of the United States as miscellaneous receipts.

7 Passed the House of Representatives June 3, 1968.

8 Attest: W. PAT JENNINGS,
 9 *Clerk.*

AN ACT

To direct the Secretary of Agriculture to release on behalf of the United States conditions in deeds conveying certain lands to the State of Iowa, and for other purposes.

JUNE 4, 1968

Read twice and referred to the Committee on
Agriculture and Forestry

JUNE 21 (legislative day, JUNE 19), 1968

Reported without amendment

July 10, 1968

10. ELECTRIFICATION; RECREATION. Reps. Goodling and Eshleman commended the Holt-wood hydroelectric project on the Susquehanna River in Pa. as a great recreational potential. pp. H6307-8
11. FARM PROGRAM. Rep. Kleppe inserted a copy of his letter to House Members commending the farm bill and urging their "thoughtful consideration." p. H6308
12. FOREIGN AID. Rep. Gonzalez spoke in support of the President's foreign aid program. p. H6308
Rep. Matsunaga stated in considering the foreign aid bill the House should consider "the impact of the foreign aid program upon the peoples of developing nations" and inserted an article, "Still Much To Be Done in Agriculture Aid." pp. H6316-18

SENATE

13. APPROPRIATIONS. The Appropriations Committee reported with amendments July 9, during adjournment, H. R. 17023, the independent offices and HUD appropriation bill (S. Rept. 1375). p. S8342
A subcommittee of the Appropriations Committee approved for full committee consideration H. R. 18188, the Department of Transportation appropriation bill. p. D657
14. LANDS. Passed without amendment H. R. 16065, to direct the Secretary of Agriculture to release certain conditions in deeds conveying lands to Iowa (p. S8391). This bill will now be sent to the President.
The Interior and Insular Affairs Committee reported with amendments S. 1385, relating to the disposition by the Secretary of the Interior of moneys obtained from the sale of materials from public lands (S. Rept. 1376). p. S8342
The Agriculture and Forestry Committee voted to report (but did not actually report) the following bills: S. 3578, to authorize release of a condition in a deed conveying certain lands to S. C. (amended); S. 3687, to authorize release of a condition in a deed conveying certain lands to Ohio; and S. 3736, to authorize the sale to Central, N. Mex., of certain lands which were formerly part of the Fort Bayard Military Reservation. p. D656
Sen. Jackson announced a hearing on legislation dealing with Alaska native land claims will be held before the Interior and Insular Affairs Committee on Fri., July 12, in Room 3110, New Senate Office Building. p. S8346
15. WILDERNESS. Passed as reported S. 3502, to designate certain lands in the Seney, Huron Islands, and Michigan Islands National Wildlife Refuges in Michigan, the Gravel Island and Green Bay National Wildlife Refuges in Wisconsin, and the Moosehorn National Wildlife Refuge in Maine, as wilderness. pp. S8340-1
Passed as reported S. 3425, to designate certain lands in the Monomoy National Wildlife Refuge Barnstable County, Mass., as wilderness. pp. S8339-40
Passed as reported S. 3379, to designate certain lands in the Great Swamp National Wildlife Refuge, Morris County, N. J., as wilderness. p. S8339
Passed as reported S. 3343, to designate certain lands in the Pelican Island National Wildlife Refuge, Indian River County, Fla., as wilderness. pp. S8338-9

16. RECREATION. Passed without amendment H. R. 4739, to authorize the Secretary of the Interior to grant long term leases with respect to lands in the El Portal administrative site adjacent to Yosemite National Park, Calif. p. S8340
17. LOANS. Passed without amendment H. R. 15562, to continue for 2 years, through June 30, 1970, the Farmers Home Administration's authority to make loans to lessee-operators of farmland in the State of Hawaii (p. S8341). This bill will now be sent to the President.
18. DAIRY. Passed without amendment S. 3638, to extend for three years the authority of the Secretary of Agriculture to make indemnity payments to dairy farmers for milk required to be withheld from commercial markets because it contains residues of chemicals registered and approved for use by the Federal Government. p. S8338
19. ELECTRIFICATION. Passed as reported S. 2445, to amend the Federal Power Act to clarify the licensing authority of the Commission and the right of the U. S. to take over a project or projects upon or after the expiration of any license shall be exercised. pp. S8389-90
20. TRANSPORTATION. Concurred in House amendments to S. 3102, to postpone for two years the date on which passenger vessels operating solely on the inland rivers and waterways must comply with certain safety standards (pp. S8388-9). This bill will now be sent to the President.
21. NOMINATION. Confirmed the nomination of James H. McCrocklin to be Under Secretary of Health, Education, and Welfare. pp. S8337, S8404
22. FARM PROGRAM. The Daily Digest states that the "Committee on Agriculture and Forestry, in executive session, by a vote of 10 to 5, ordered reported without amendments S. 3590, extending and improving programs to maintain farm income, stabilize prices, and assure adequate supplies of agricultural commodities. As approved by the committee the bill would provide a four-year extension of the present farm program, including the class-I milk base program. Committee agreed to strike the title of the bill relative to farm bargaining." p. D656
Sen. Long, Mo., expressed hope that the Senate will act this year on this bill to "benefit all farmers in Missouri and across the Nation." pp. S8372-3
23. WATERSHEDS. The Agriculture and Forestry Committee approved plans for works of improvement on several watershed projects. p. D656
24. MANPOWER. The Labor and Public Welfare Committee voted to report (but did not actually report) S. 2938, to extend certain expiring provisions under the Manpower Development and Training Act of 1962, as amended. p. D657
25. HUNGER. The Labor and Public Welfare Committee voted to report (but did not actually report) S. Res. 281, to establish a Select Committee on Nutrition and Human Needs. p. D657

Section (b) of H.R. 13402 amends section 4 of the Chancery Act of 1964 (District of Columbia Code, title 5, sec. 418c) relating to the transfer of property, subject to lawful chancery use, from one foreign government to another. Present law limits the transfer of such use to those properties which conform to the general rule for location of chanceries pursuant to the Chancery Act or which complied with applicable law at the time of enactment of the Chancery Act. Section (b) amends this right of transfer to include also property which is granted a chancery use under one of the exceptions to the general requirements of the Chancery Act, so that such use may be transferred to or used by another foreign government.

HEARING

A public hearing on H.R. 13402 was held on December 8, 1967, before the Business and Commerce Subcommittee.

CONVEYANCE OF CERTAIN LANDS IN IOWA

The Senate proceeded to consider the bill (H.R. 16065) to direct the Secretary of Agriculture to release on behalf of the United States, conditions in deeds conveying certain lands to the State of Iowa, and for other purposes.

Mr. MORSE. Mr. President, speaking to the bill, the bill was submitted to me to determine whether there was a violation of the Morse formula. It does not violate the Morse formula, for, as the Secretary of Agriculture points out in his letter, this is a piece of property that was given to the University of Iowa in the first instance to be used for educational purposes. The property was used for educational purposes in relation to a beef cattle breeding experimental program.

It is now proposed to sell part of this property and invest that money into a similar agricultural research project elsewhere so that it will still be used in accordance with the original grant for the educational purposes of the University of Iowa. Therefore, it does not violate the Morse formula. I have no objection.

I ask unanimous consent that the letter of the Secretary of Agriculture to which I have referred be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF AGRICULTURE,
Washington, D.C. May 15, 1968.

Hon. W. R. POAGE,
Chairman, Committee on Agriculture,
House of Representatives.

DEAR MR. CHAIRMAN: As you asked, here is our report on H.R. 16065, to direct the Secretary of Agriculture to release on behalf of the United States conditions in deeds conveying certain lands to the State of Iowa, and for other purposes.

We recommend enactment of H.R. 16065.

H.R. 16065 would authorize and direct the Secretary of Agriculture to release on behalf of the United States certain conditions contained in two 1955 deeds conveying certain described lands to the State of Iowa for the use and benefit of the agricultural experiment station of the Iowa State College of Agriculture and Mechanic Arts, now the Iowa State University. The conditions required that the lands conveyed to the State be used for public purposes and provide for a reversion to the United States if the lands cease to be so used.

This bill provides that the Secretary shall release the conditions only with respect to lands covered by an agreement between the Secretary and the university which would set forth certain conditions.

H.R. 16065 would also authorize the Secretary of the Interior, under certain conditions, to convey to the State of Iowa for the use and benefit of Iowa State University or successors in title all the undivided mineral interests which were reserved to the United States in lands conveyed to the State.

The lands involved in H.R. 16065 were originally acquired by the United States under the provisions of title III of the Bankhead-Jones Farm Tenant Act (50 Stat. 525). This title authorizes the Secretary of Agriculture to conduct a program for the rehabilitation of submarginal lands. Title III also authorizes the Secretary to dispose of lands to public authorities and agencies under terms and conditions he deems will best accomplish title III purposes, but only on condition that the property conveyed is used for public purposes.

The 955.81 acres of land in question were conveyed to the State of Iowa on July 29, 1955, subject to the condition that they be used for public purposes. If not so used, ownership would revert to the United States.

We understand that the State of Iowa is seeking a release of the public use condition so that it may sell one or both of the two tracts conveyed to it. These two tracts, consisting of 410 and 545.81 acres, respectively, have been used for beef cattle research and other experimental purposes. Due to changes in direction and emphasis in the work on these areas and size of farms and related facilities, the individual areas are no longer adequate to meet the university's needs. Therefore, the university wishes to sell or exchange one or both of the tracts and use the proceeds to establish a single larger, more efficient unit to meet the university's needs. The use of the proceeds to acquire lands to be held permanently for university purposes would not be inconsistent with the basic purposes of the public use requirement in the original conveyance to the university.

H.R. 16065 is similar to H.R. 11527 recently enacted by the Congress and to Public Law 84-237 involving lands conveyed to the University of Maine and to Clemson Agricultural College, now Clemson University, of South Carolina.

Some 836,000 acres of such lands have been conveyed by the United States to various States and State agencies and organizations in a number of separate transactions. All of these conveyances are subject to the same reversionary clause if the lands are not used for public purposes. The conveyances also included the same mineral rights reservations.

During the intervening years, changes in land use patterns and resource management programs, administrative requirements, and other factors have resulted in the need for others of the respective owning public authorities or agencies to sell, exchange, or otherwise dispose of a part of the title III lands conveyed to them so as to further the purposes and activities of those public bodies. Two other such cases are before us now. Others may come up in the future.

The Bureau of the Budget advises that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely yours,

ORVILLE L. FREEMAN,
Secretary.

The PRESIDING OFFICER. The question is on third reading and passage of the bill.

The bill (H.R. 16065) was ordered to a third reading, was read the third time, and passed.

IOWA LAW ENFORCEMENT ACADEMY

The Senate proceeded to consider the bill (S. 3495) to authorize the Secretary of the Army to release certain use restrictions on a tract of land in the State of Iowa in order that such land may be used as a site for the construction of buildings or other improvements for the Iowa Law Enforcement Academy which had been reported from the Committee on Armed Services, with amendments, on page 1, line 3, after the word "to" strike out "release" and insert "modify"; in line 6, after the word "of" where it appears the first time, strike out "land" and insert "State-owned land and also a portion of lands"; on page 2, line 5, after the word "such" strike out "release" and insert "modification"; in line 8, after the word "is" strike out "released" and insert "modified"; and in line 13, after the word "the" strike out "release" and insert "modification"; so as to make the bill read:

S. 3495

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Army is authorized to modify on behalf of the United States the land use restriction applicable to a tract of land constituting a portion of a larger tract of State-owned land and also a portion of lands heretofore conveyed by the United States to the State of Iowa pursuant to the Act entitled "An Act to direct the Secretary of the Army to convey certain property located in Polk County, Iowa, and described as Camp Dodge and Polk County Target Range, to the State of Iowa", approved June 1, 1955 (69 Stat. 70), so that such tract with respect to which such modification is given may be used by such State for law enforcement academy purposes. The exact description of the tract with respect to which such restriction is modified by the Secretary pursuant to this authority shall be agreed upon by the Secretary and the State of Iowa, but in no event shall the total area of such tract exceed nine acres.

SEC. 2. The Secretary of the Army is authorized to impose such terms and conditions on the modification authorized by this Act as he deems appropriate to protect the interests of the United States. All expenses for surveys and the preparation and execution of legal documents necessary or appropriate to carry out the provisions of this Act shall be borne by the State of Iowa.

Mr. MORSE. Mr. President, this is another bill which was submitted for me for determination as to whether or not it violated the Morse formula. It does not violate the Morse formula.

I ask unanimous consent that the letter written to the chairman of the Senate Armed Services Committee, the Senator from Georgia [Mr. RUSSELL], by the Secretary of the Army, Mr. Resor, be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE ARMY,
Washington, D.C., June 27, 1968.

Hon. RICHARD B. RUSSELL,
Chairman, Committee on Armed Services,
U.S. Senate.

DEAR MR. CHAIRMAN: Reference is made to your request to the Secretary of Defense for the views of the Department of Defense with respect to S. 3495, 90th Congress, a bill to authorize the Secretary of the

Army to release certain use restrictions on a tract of land in the State of Iowa in order that such land may be used as a site for the construction of buildings or other improvements for the Iowa Law Enforcement Academy. The Department of the Army has been assigned responsibility for expressing the views of the Department of Defense on this bill.

The general purpose of this bill is as stated in its title. More specifically it would authorize the Secretary of the Army to release certain use restrictions on a tract of land, not exceeding 9 acres, so that such land may be used by the State of Iowa for law enforcement academy purposes, such use restrictions having been imposed pursuant to an act entitled, "An Act to direct the Secretary of the Army to convey certain property located in Polk County, Iowa, and described as Camp Dodge and Polk County Target Range, to the State of Iowa," approved June 1, 1955 (69 Stat. 70). This bill further provides that the exact description of the tract shall be as agreed upon by the Secretary and the State; all expenses for surveys and preparation of legal documents shall be borne by the State; and the Secretary may impose such terms and conditions on the release as he deems appropriate to protect the interests of the United States.

The Department of the Army, on behalf of the Department of Defense, interposes no objection to the enactment of this legislation provided it is amended as hereinafter stated.

The 9-acre tract involved in this bill is a part of the Iowa National Guard Camp, Polk County, Iowa, comprising approximately 574.34 acres of land. These lands are adjacent to, and form a connecting link between, Camp Dodge on the northwest and Polk County Target Range on the northeast, containing 1,848.32 acres and 742.34 acres, respectively. Both installations were established in 1917 as a cantonment and training area. Since 1924, the use has been primarily for National Guard. By deed, dated February 24, 1956, the Secretary of the Army conveyed to the State of Iowa the above two installations, comprising 2,590.66 acres, together with all improvements thereon, pursuant to the act of June 1, 1955 (69 Stat. 70). This act authorized the conveyance of subject lands, without monetary consideration, subject to certain reservations, restrictions, and conditions, chief of which were (1) reserved to the United States all mineral rights; (2) the property is to be used for training of National Guard and other military purposes and, if such use should cease, title thereto shall revert to the United States; and (3) in the event of a declaration of war or national emergency the United States may, without payment, reenter upon and use the property for the duration of the emergency and 6 months thereafter. In addition, section 5 of the act required agreement by the State of Iowa as consideration for the conveyance, that the adjacent State-owned lands (574.34 acres) will be used for military purposes only, and not be sold or otherwise disposed; breach of this agreement will result in a reverter of title of the conveyed lands; and the United States may also use these State lands without cost in the event of war or national emergency. The above-mentioned deed of conveyance contained these statutory conditions.

The State of Iowa has recently requested the concurrence of the Department of the Army to permit the use of a 9-acre tract, located within the original State-owned lands, for the construction of facilities to house the Iowa Law Enforcement Academy. It is proposed that the facilities will be used primarily to train policemen; however, joint use will be made for training the National Guard in connection with civil disturbance; also, that such facilities will be subject to use by the United States in event of emer-

gency as presently restricted. While the proposed use may be somewhat related to National Guard and military purposes, it is the consensus of legal opinion that such use would be a technical violation of the statutory restrictions. Modifications of these restrictions may only be accomplished by further congressional authorization. S. 3495 would provide the Secretary of the Army the requisite authority.

The Department of the Army considers that the proposed construction and operation of the law enforcement academy is not adverse to National Guard training or future military requirements. The additional facilities should, in fact, prove of mutual benefit to the State and the Federal Government. As a general rule, this Department does not support the complete release or disposal of substantive real property interests without compensation. In this case, however, the objective of the State is not to obtain a release from all previous statutory conditions, but merely to modify the existing use restriction to include law enforcement academy purposes. As a result, the potential benefits of the Government, in event of an emergency, are increased to the extent of the new facilities to be constructed.

Accordingly, for the foregoing reasons, the Department of the Army, on behalf of the Department of Defense, interposes no objection to the enactment of S. 3495. However, in order to also provide for the State-owned lands and the modification of the agreement with the State, the following technical amendments are recommended:

- (a) On page 1, line 3, delete the word "release" and substitute "modify".
- (b) On page 1, line 6, after the word "of" delete the word "land" and insert "State-owned land and also a portion of lands".
- (c) On page 2, line 4, delete the word "release" and substitute "modification".
- (d) On page 2, line 7, delete the word "released" and substitute "modified".
- (e) On page 2, line 12, delete the word "release" and substitute "modification".

The enactment of this bill will have no effect on the budgetary requirements of the Department of Defense.

This report has been coordinated within the Department of Defense in accordance with procedures prescribed by the Secretary of Defense.

The Bureau of the Budget advises that, from the standpoint of the administration's program, there is no objection to the presentation of this report to the committee.

Sincerely yours,

STANLEY R. RESOR,
Secretary of the Army.

Mr. MORSE. Mr. President, this is a case in which a piece of property was made available to the State of Iowa for the Federal Government, the Department of Army in the first place, to assist in the training of the National Guard. It is proposed that the 9-acre tract, part of the original tract, now be made available for the training of an Iowa law enforcement academy. The report states that it is proposed that the facilities will be used primarily to train policemen. However, joint use will be made for training the National Guard in connection with civil disobedience; also, that such facilities will be subject to use by the United States in the event of emergency as presently restricted.

This is a part of the combined program that is being developed in many parts of the country in connection with training policemen and the National Guard, who serve together in these civil disturbance cases. It is in keeping with the intent of the original grant. It does not violate the Morse formula. There-

fore, I have no objection, and I ask that the bill be passed.

The PRESIDING OFFICER. The question is on agreeing to the amendments.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

The title was amended, so as to read: "To authorize the Secretary of the Army to modify certain use restrictions on a tract of land in the State of Iowa in order that such land may be used as a site for the construction of buildings or other improvements for the Iowa Law Enforcement Academy."

AUTO THEFT PREVENTION ACT

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1332, H.R. 14935.

The PRESIDING OFFICER (Mr. HOLLINGS in the chair). The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 14935) to amend title 39, United States Code, to regulate the mailing of master keys for motor vehicle ignition switches, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Post Office and Civil Service, with an amendment, to strike out all after the enacting clause and insert:

That this Act may be cited as the "Auto Theft Prevention Act".

Sec. 2. (a) Chapter 51 of title 39, United States Code, is amended by adding at the end thereof the following new section:

"§ 4010. Nonmailable motor vehicle master keys—

"(a) Except as provided in subsection (b), any motor vehicle master key, any pattern, impression, or mold from which a motor vehicle master key may be made, or any advertisement for the sale of any such key, pattern, impression, or mold, is nonmailable matter, shall not be deposited in, carried, or delivered by mail, and shall be disposed of as the Postmaster General directs.

"(b) The Postmaster General is authorized to make such exemptions from the provisions of subsection (a) as he deems necessary.

"(c) For the purposes of this section, 'motor vehicle master key' means any key (other than the key furnished by the manufacturer with the motor vehicle, or the key furnished with a replacement lock, or an exact duplicate of such keys) designed to operate two or more motor vehicle ignition, door, or trunk locks of different combinations."

"(b) the analysis of chapter 51 of such title, immediately preceding section 4001 of such chapter, is amended by adding at the end thereof the following new item:

"4010. Nonmailable motor vehicle master keys."

Sec. 3. Chapter 83 of title 18, United States Code, is amended—

(1) by inserting after section 1716 the following new section:

"§ 1716A. Nonmailable motor vehicle master keys

"Whoever knowingly deposits for mailing or delivery, or knowingly causes to be delivered by mail according to the direction thereon, or at any place to which it is di-



Public Law 90-410
90th Congress, H. R. 16065
July 21, 1968

An Act

To direct the Secretary of Agriculture to release on behalf of the United States conditions in deeds conveying certain lands to the State of Iowa, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of subsection (c) of section 32 of the Bankhead-Jones Farm Tenant Act, as amended (7 U.S.C. 1011(c)), the Secretary of Agriculture is authorized and directed to release on behalf of the United States with respect to lands designated pursuant to section 2 hereof, the conditions in those two deeds dated July 29, 1955, conveying lands in the counties of Monroe and Decatur in the State of Iowa to the State of Iowa acting by and through its State board of regents for the use and benefit of the agricultural experiment station of the Iowa State College of Agriculture and Mechanic Arts, now Iowa State University, which require that the lands so conveyed be used for public purposes and provide for a reversion of such lands to the United States if at any time they cease to be so used.

SEC. 2. The Secretary shall release the conditions referred to in the first section of this Act only with respect to lands covered by and described in an agreement or agreements entered into between the Secretary and the university in which the university, in consideration of the release of such conditions as to such lands, agrees—

(1) that all the proceeds from the sale, lease, exchange, or disposition of such lands shall be used by the university for the acquisition of lands to be held for university purposes, or for the development or improvement of any lands so acquired;

(2) that all the proceeds from the sale, lease, or other disposition of lands covered by any such agreement shall be maintained by the university in a separate fund and that the record of all transactions involving such funds shall be open to inspection by the Secretary of Agriculture.

SEC. 3. Upon application, all the undivided mineral interests of the United States in any parcel or tract of land released pursuant to this Act from the conditions as to such lands shall be conveyed to the State of Iowa for the use and benefit of Iowa State University or its successors in title by the Secretary of the Interior. In areas where the Secretary of the Interior determines that there is no active mineral development or leasing, and that the lands have no mineral value, the mineral interests covered by a single application shall be sold for a consideration of \$1. In other areas the mineral interests shall be sold at the fair market value thereof as determined by the Secretary of the Interior after taking into consideration such appraisals as he deems necessary or appropriate.

SEC. 4. Each application made under the provisions of section 3 of this Act shall be accompanied by a nonrefundable deposit to be applied to the administrative costs as fixed by the Secretary of the Interior. If the conveyance is made, the applicant shall pay to the Secretary of the Interior the full administrative costs, less the deposit. If a conveyance is not made pursuant to an application filed under this Act, the deposit shall constitute full satisfaction of such administrative costs notwithstanding that the administrative costs exceed the deposit.

Iowa State
University.
Land conveyance.
50 Stat. 526.

82 STAT. 393
82 STAT. 394

Conditions.

Mineral
interests.

Nonrefundable
deposit.

"Administrative
costs."

SEC. 5. The term "administrative costs" as used in this Act includes, in addition to other items, all costs which the Secretary of the Interior determines are included in a determination of (1) the mineral character of the land in question, and (2) the fair market value of the mineral interest.

SEC. 6. Amounts paid to the Secretary of the Interior under the provisions of this Act shall be paid into the Treasury of the United States as miscellaneous receipts.

Approved July 21, 1968.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 1479 (Comm. on Agriculture).

SENATE REPORT No. 1272 (Comm. on Agriculture & Forestry).

CONGRESSIONAL RECORD, Vol. 114 (1968):

June 3: Considered and passed House.

July 10: Considered and passed Senate.